(67)

UNITED NATIONS

E

Economic and Social Council

Distr.
LIMITED

E/CN.4/1990/L.11
23 February 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 27

DRAFT REPORT OF THE COMMISSION

Rapporteur: Mr. Ross HYNES (Canada)

CONTENTS */

Chapter		Page
II.	Resolutions and decisions adopted by the Commission at its forty-sixth session	
	A. Resolutions	
1990/1	Israeli settlements in the occupied Arab territories	1
1990/2	Question of violations of human rights in occupied Palestine	
	Resolution A	1
	Resolution B	3
1990/3	Human rights in the occupied Syrian Arab territories	4

*/ E/CN.4/1990/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council will be contained in documents E/CN.4/1990/L.11 and addenda.

GE.98-10922/1583B

CONTENTS (continued)

Chapter			Page
II. (cont'd)	A. Resolutions (continued)		
	1990/4	Question of Western Sahara	6
	1990/5	Situation in Afghanistan	9
	1990/6	Situation in occupied Palestine	11
	1990/7	Use of mercenaries as a means of impeding the exercise of the rights of peoples to self-determination	14
	1990/8	Situation in southern Africa	18
	1990/9	Situation in Cambodia	22
	1990/10	Situation in Panama	25
	B. Decisions		
	1990/101	Organization of work	25
	1990/102	Organization of work	26

A. Resolutions

1990/1 Israeli settlements in the occupied Arab territories

The Commission on Human Rights,

Recalling that, in accordance with article 13, paragraph 2 of the Universal Declaration of Human Rights, everyone has the right to leave any country including his own and to return to his country,

Affirming that the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to all Palestinian and Arab territories occupied by Israel since 1967, including Jerusalem,

Seriously concerned at the recent suggestions that immigrants to Israel may be settled in the occupied territories,

1. Affirms that the settling of Israeli civilians in the occupied territories is illegal and contravenes the relevant provisions of the Fourth Geneva Convention;

2. Calls upon the Government of Israel to refrain from settling immigrants in the occupied territories.

28th meeting
16 February 1990

[Adopted by a roll-call vote of 42 to none, with 1 abstention. See chap. IV.]

1990/2. Question of violations of human rights in occupied Palestine

A

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations as well as the provisions of the Universal Declaration of Human Rights,

Guided also by the provisions of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Taking into consideration the provisions of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the Hague Convention IV of 1907, as well as the principles of international law affirmed by the General Assembly in its resolutions 3 (I) of 13 February 1946, 95 (I) of 11 December 1946, 260 A (III) of 9 December 1948 and 2391 (XXIII) of 26 November 1968,

READEX FICHE

Recalling the relevant Security Council resolutions, including resolutions 605 (1987) of 22 December 1987, 607 (1988) of 5 January 1988 and 608 (1988) of 14 January 1988,

Recalling further General Assembly resolutions on Israeli violations of human rights in occupied Palestine,

Taking note of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/44/599),

Recalling all its previous resolutions on the subject,

1. Condemns the policies and practices of Israel, the occupying Power, which violate the human rights of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and, in particular, such acts as the opening of fire by the Israeli army and settlers that result in the killing and wounding of defenceless Palestinian civilians, the imposition of restrictive economic measures, the demolition of houses, the ransacking of real or personal property belonging individually or collectively to private persons, collective punishment and detention, and the confiscation of the property of the inhabitants, including their bank accounts, as happened recently in the village of Beit Sahour;

2. Affirms the right of the Palestinian people to resist the Israeli occupation by all means, in accordance with the relevant United Nations resolutions, consistent with the purposes and principles of the Charter of the United Nations;

3. Calls once more upon Israel to desist from all forms of violations of human rights in the Palestinian and other occupied Arab territories and to respect the principles of international law;

4. Calls upon Israel to withdraw from the Palestinian and other occupied Arab territories in accordance with the relevant resolutions of the United Nations and the Commission on Human Rights;

5. Requests the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations bodies, the specialized agencies, regional intergovernmental organizations and international humanitarian organizations, to disseminate it on the widest possible scale, and to report on its implementation to the Commission on Human Rights at its forty-seventh session;

6. Further requests the Secretary-General to provide the Commission with all United Nations reports issued between sessions of the Commission that deal with the conditions in which the population of the Palestinian and other occupied Arab territories is living;

7. Decides to consider the question at its forty-seventh session as a matter of high priority.

28th meeting
16 February 1990

[Adopted by a roll-call vote of 39 to 1, with 1 abstention. See chap. IV.]

B

The Commission on Human Rights,

Recalling Security Council resolutions 446 (1979) of 22 March 1979, 465 (1980) of 1 March 1980, 497 (1981) of 17 December 1981, 592 (1986) of 8 December 1986 and 605 (1987) of 22 December 1987, as well as all its previous resolutions on the application of the Geneva Conventions of 12 August 1949 to the Palestinian and other Arab territories occupied by Israel and the refusal of Israel to abide by those Conventions,

Recalling all relevant General Assembly resolutions,

Recalling the decisions of the International Conference of the Red Cross in respect of the application of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,

Recalling its previous resolutions on this question,

Taking into account that States parties to the Fourth Geneva Convention undertake, in accordance with article 1 thereof, to respect and ensure respect for, the Convention in all circumstances,

Recalling the wide international support to the accession of Palestine to the four Geneva Conventions of 1949, as expressed in resolution 1989/4 of 31 August 1989 adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-first session, as well as in the resolution adopted by the Ninth Summit of the Non-Aligned Countries held at Belgrade from 4 to 7 September 1989, which both welcomed the accession of Palestine to the four Geneva Conventions of 1949,

1. Reaffirms that the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to all Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem;

2. Welcomes with high appreciation the accession of Palestine to the four Geneva Conventions of 1949;

3. Urges once more all States parties to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War to make every effort to ensure respect for, and compliance with, the provisions of that Convention in all the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem;

4. Strongly condemns once more Israel's refusal to apply the Fourth Geneva Convention to Palestine and the Arab territories occupied since 1967 and to their inhabitants, and Israel's policies of ill-treatment and torture of Palestinian detainees and prisoners in Israeli prisons and concentration camps, and its disregard for the provisions of the Fourth Geneva Convention of 1949;

5. Strongly condemns Israel for its violations of article 49 of the Fourth Geneva Convention by pursuing a policy of deportation and expulsion of Palestinian citizens, and calls upon Israel to comply with the resolutions of the Security Council, the General Assembly and the Commission on Human Rights which provide for their return to their homeland, and to desist forthwith from this policy;

6. Requests the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, the specialized agencies, the regional intergovernmental organizations, the international humanitarian organizations and non-governmental organizations, and to submit a report on progress in its implementation to the Commission on Human Rights at its forty-seventh session;

7. Decides to consider the question at its forty-seventh session as a matter of high priority.

28th meeting
16 February 1990

[Adopted by a roll-call vote of 32 to 1, with 10 abstentions. See chap. IV.]

1990/3. Human rights in the occupied Syrian Arab territories

The Commission on Human Rights,

Deeply concerned by the suffering of the population of the Syrian and other Arab territories occupied by Israel since 1967 and by continued Israeli military occupation and that the human rights of the population continue to be violated,

Recalling Security Council resolution 497 (1981) of 17 December 1981, in which the Council, inter alia, decided that the Israeli decision to impose its laws, jurisdiction and administration in the occupied Syrian Arab Golan was null and void and without international legal effect, and demanded that Israel should rescind forthwith its decision,

Recalling General Assembly resolutions 36/226 B of 17 December 1981, ES-9/1 of 5 February 1982, 37/88 E of 10 December 1982, 38/79 F of 15 December 1983, 39/95 F of 14 December 1984, 40/161 F of 16 December 1985, 41/63 F of 3 December 1986, 42/160 F of 8 December 1987, 43/21 of 3 November 1988, 43/58 F of 6 December 1988 and 44/2 of 6 October 1989,

Recalling General Assembly resolution 3414 (XXX) of 5 December 1975 and other relevant Assembly resolutions in which it, inter alia, demanded the immediate, unconditional and total withdrawal of Israel from all the Arab territories occupied since 1967,

Recalling General Assembly resolution 3314 (XXIX) of 14 December 1974 in which the Assembly defined an act of aggression,

Reaffirming once more the illegality of Israel's decision of 14 December 1981 to impose its laws, jurisdiction and administration on the Syrian Arab Golan, which has resulted in the effective annexation of that territory,

Reaffirming that the acquisition of territories by force is inadmissible under the Charter of the United Nations and that all territories thus occupied by Israel must be returned,

Taking note with deep concern of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Arab Territories (A/44/599),

Recalling its resolution 1989/1 of 17 February 1989,

Recalling the Geneva Convention relative to the protection of Civilian Persons in Time of War, of 12 August 1949, and relevant provisions of The Hague Conventions of 1899 and 1907,

1. Strongly condemns Israel, the occupying Power, for its refusal to comply with the relevant resolutions of the General Assembly and the Security Council, particularly Council resolution 497 (1981), in which the Council, inter alia, decided that the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian Arab Golan was null and void and without international legal effect, and demanded that Israel, the occupying Power, should rescind forthwith its decision;

2. Condemns the persistence of Israel in changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Arab Golan;

3. Determines that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the Syrian Arab Golan are null and void, and constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and have no legal effect;

4. Strongly condemns Israel of its attempt to impose forcibly Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Arab Golan and to impose a boycott on their agricultural products, and calls upon it to desist from its repressive measures against the population of the Syrian Arab Golan;

5. Calls once again upon Member States not to recognize any of the legislative or administrative measures and actions referred to above;

6. Requests the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, the specialized agencies, the regional intergovernmental organizations and the international humanitarian organizations and to give it the widest possible publicity, and to report to the Commission on Human Rights at its forty-seventh session;

7. Decides to include in the provisional agenda of its forty-seventh session, as a matter of high priority, the item entitled "Question of the violation of human rights in the occupied Arab territories, including Palestine".

28th meeting
16 February 1990

[Adopted by a roll-call vote of 42 to 1, with no abstentions. See chap. IV.]

1990/4. Question of Western Sahara

The Commission on Human Rights,

Having considered in depth the question of Western Sahara,

Recalling the inalienable right of all peoples to self-determination and independence in accordance with the principles set forth in the Charter of the United Nations and in General Assembly resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling General Assembly resolution 44/88 of 11 December 1989 on the question of Western Sahara,

Recalling resolution AHG/Res. 104 (XIX) on Western Sahara, adopted unanimously by the Assembly of Heads of State and Government of the Organization of African Unity at its nineteenth ordinary session, held at Addis Ababa from 6 to 12 June 1983,

Taking note with appreciation of the resolution on Western Sahara adopted by the ninth Conference of Heads of State and Government of the Non-Aligned countries held at Belgrade from 4 to 7 September 1989,

Recalling Security Council resolution 621 (88) of 20 September 1988 on the question of Western Sahara,

Recalling also its resolutions 4 (XXXVI) of 15 February 1980, 12 (XXXVII) of 6 March 1981, 1982/15 of 25 February 1982, 1983/6 of 16 February 1983, 1984/13 of 29 February 1984, 1985/5 of 26 February 1985, 1986/21 of 10 March 1986, 1987/3 of 19 February 1987, 1988/5 of 22 February 1988 and 1989/18 of 6 March 1989,

Reiterating its support for the joint good offices process initiated in New York on 9 April 1986 by the current Chairman of the Assembly of Heads of State and Government of the Organization of African Unity and the Secretary-General of the United Nations with a view to implementing Organization of African Unity resolution AHG/Res. 104 (XIX) and General Assembly resolution 40/50 of 2 December 1985,

Conscious of its responsibility to promote and encourage observance of human rights and fundamental freedoms for all,

1. Takes note with appreciation of the report of the Secretary-General on the question of Western Sahara;

2. Reaffirms that the question of Western Sahara is a question of decolonization which remains to be completed on the basis of the exercise by the people of Western Sahara of their inalienable right to self-determination and independence;

3. Emphasizes the importance of the agreement in principle given on 30 August 1988 by the Kingdom of Morocco and the Frente Popular para la Liberacion de Saguia el-Hamra y de Río de Oro to the joint proposals of the Chairman of the Organization of African Unity and the Secretary-General of the United Nations to hold a referendum for self-determination of the people of Western Sahara, organized and supervised by the United Nations in co-operation with the Organization of African Unity;

4. Welcomes the efforts of the current Chairman of the Organization of African Unity and the Secretary-General of the United Nations to promote a just and lasting solution of the question of Western Sahara, in accordance with General Assembly resolution 40/50;

5. Further welcomes the progress achieved through the joint good offices process and urges the current Chairman of the Organization of African Unity and the Secretary-General of the United Nations to continue and intensify their efforts to resolve outstanding problems and thereby to create the conditions necessary for holding a referendum for self-determination of the people of Western Sahara, without any administrative or military constraints, organized and supervised by the United Nations in co-operation with the Organization of African Unity;

6. Notes with satisfaction the establishment of a technical committee to assist the current Chairman of the Organization of African Unity and the Secretary-General of the United Nations in their joint good offices to solve the question of Western Sahara;

7. Welcomes the talks at Marrakesh between His Majesty King Hassan II of the Kingdom of Morocco and a high-ranking delegation of the Frente Popular para la Liberacion de Saguia el-Hamra y de Río de Oro, and endorses the hope expressed by the Secretary-General of the United Nations and the current Chairman of the Organization of African Unity that further meetings of this nature will take place in order to strengthen prospects for the success of the peace process;

8. Expresses its conviction that continuation of the direct dialogue between the two parties to the conflict could contribute to the successful conclusion of the joint good offices process of the current Chairman of the Organization of African Unity and the Secretary-General of the United Nations, to the restoration of peace in Western Sahara, and to the stability and security of the region as a whole;

9. Associates itself with the appealof the General Assembly, in its resolution 44/88, to the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro to display a spirit of co-operation and the political goodwill necessary to ensure the success of the joint good offices process of the current Chairman of the Organization of African Unity and the Secretary-General of the United Nations;

10. Recalls that the General Assembly has requested the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to consider the situation in Western Sahara as a matter of priority and report thereon to the Assembly at its forty-fifth session;

11. Decides to follow the development of the situation in Western Sahara and to consider the question at its forty-seventh session, as a matter of high priority, under the agenda item entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation".

28th meeting
16 February 1990

[Adopted without a vote. See chap. IX.]

1990/5. Situation in Afghanistan

The Commission on Human Rights,

Recalling its resolution 1989/23 of 6 March 1989,

Bearing in mind that one of the fundamental purposes of the United Nations set forth in the Charter is to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples,

Reaffirming the purposes and principles of the Charter of the United Nations and the obligation of all States to refrain in their international relations from the threat or use of force against the sovereignty, territorial integrity and political independence of any State,

Noting the conclusion at Geneva, on 14 April 1988, of the Agreements on the Settlement of the Situation Relating to Afghanistan,

Welcoming the completion on 15 February 1989 of the withdrawal of foreign troops from Afghanistan in accordance with the Geneva Agreements,

Recalling General Assembly resolutions 43/20 of 3 November 1988 and 44/15 of 1 November 1989, in which the Assembly reaffirmed, inter alia, the inalienable right of all peoples to determine their own form of government and to choose their own economic, political and social system free from outside intervention, subversion, coercion or constraint of any kind whatsoever,

Gravely concerned at the situation in Afghanistan, which resulted from the violation of principles of the Charter of the United Nations and of the recognized norms of inter-State conduct,

Aware of the continuing concern of the international community over the suffering of the Afghan people and the magnitude of the social and economic problems posed to Pakistan and the Islamic Republic of Iran by the presence on their soil of millions of Afghan refugees,

Deeply conscious of the urgent need for a comprehensive political solution of the situation in respect of Afghanistan, on the basis of the free exercise of the right of self-determination by the people of Afghanistan,

1. Emphasizes the importance of the Agreements on the Settlement of the Situation Relating to Afghanistan, concluded at Geneva on 14 April 1988, under United Nations auspices, which constitute an important step towards a comprehensive political solution of the Afghanistan problem;

2. Calls for the scrupulous respect for and faithful implementation of the Agreements by all parties concerned who should fully abide by their letter and spirit;

3. Expresses its appreciation to the Secretary-General for his constant efforts to achieve a political solution of the Afghanistan problem;

4. Reaffirms the right of the Afghan people to self-determination and to determine their own form of government and to choose their economic, political and social system free from outside intervention, subversion, coercion or constraint of any kind whatsoever;

5. Reiterates that the preservation of the sovereignty, territorial integrity, political independence and non-aligned and Islamic character of Afghanistan is essential for a peaceful solution of the Afghanistan problem;

6. Emphasizes the need for an early start of the intra-Afghan dialogue for the establishment of a broad-based government to ensure the broadest support and immediate participation of all segments of the Afghan people;

7. Calls upon all parties concerned to work for the urgent achievement of a comprehensive political solution and the creation of the necessary conditions of peace and normalcy which would enable the Afghan refugees to return voluntarily to their homeland in safety and honour;

8. Requests the Secretary-General to encourage and facilitate the early realization of a comprehensive political settlement in Afghanistan in accordance with the provisions of the Geneva Agreements and General Assembly resolution 44/15;

9. Renews its appeal to all States and national and international organizations to continue to extend humanitarian relief assistance with a view to alleviating the hardship of the Afghan refugees, in co-ordination with the United Nations High Commissioner for Refugees;

10. Calls upon all States to provide adequate financial and material resources to the Co-ordinator for United Nations Humanitarian and Economic Assistance Programmes relating to Afghanistan for the purposes of the speedy repatriation and rehabilitation of the Afghan refugees in their country, as well as for its economic and social reconstruction;

11. Decides to consider the question at its forty-seventh session under the agenda item, entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation".

28th meeting
16 February 1990

[Adopted without a vote. See chap. IX.]

1990/6. Situation in occupied Palestine

The Commission on Human Rights,

Recalling General Assembly resolutions 181 A and B (II) of 29 November 1947 and 194 (III) of 11 December 1948, as well as all other resolutions which confirm and define the inalienable rights of the Palestinian people, particularly their right to self-determination without external interference,

Recalling Economic and Social Council resolutions 1865 (LVI) and 1866 (LVI) of 17 May 1974,

Reaffirming its previous resolutions in this regard,

Bearing in mind the reports and recommendations of the Committee on the Exercise of the Inalienable Rights of the Palestinian People,

Reaffirming the right of the Palestinian people to self-determination in accordance with the Charter of the United Nations and the relevant United Nations resolutions, and expressing its grave concern at Israel's persistence in preventing the Palestinian people by force from enjoying their inalienable rights, in particular their right to self-determination, in defiance of the principles of international law, United Nations resolutions and the will of the international community,

Recalling that military aggression by the forces of any State against the territory of another State constitutes an offence against the peace and security of mankind,

Expressing its grave concern that no just solution has been achieved to the problem of Palestine, which constitutes the core of the Arab-Israeli conflict,

Reiterating its grave concern at the military, economic and political support given by some States to Israel, which encourages and supports Israel in its aggressive and expansionist policies and its continued occupation of Palestinian and other Arab territories,

1. Reaffirms that the Israeli occupation of Palestine constitutes a gross violation of human rights and an offence against the peace and security of mankind;

2. Reaffirms the inalienable right of the Palestinian people to self-determination without external interference and the establishment of their independent sovereign State on their national soil in accordance with the Charter of the United Nations and resolutions adopted by the General Assembly since 1947;

3. Reaffirms the inalienable right of the Palestinians to return to their homeland, Palestine, in accordance with General Assembly resolution 194 (III) and subsequent relevant resolutions;

4. Reaffirms the right of the Palestinian people to recover their rights by all means in accordance with the purposes and principles of the Charter of the United Nations and with relevant United Nations resolutions, and affirms that the intifadah of the Palestinian people against the Israeli occupation since 8 December 1987 is a form of legitimate resistance and an expression of their rejection of the occupation;

5. Reaffirms its support for the call to convene an effective international peace conference on the Middle East, with the participation of the permanent members of the Security Council and the parties to the Arab-Israeli conflict, including the Palestine Liberation Organization, under the auspices of the United Nations, in accordance with the resolutions of the General Assembly and the Security Council, and the guarantee of the inalienable national rights of the Palestinian people, in particular their right to self-determination;

6. Strongly condemns Israel for its continued occupation of the Palestinian territories, which constitutes the main obstacle to the exercise by the Palestinian people of their national rights, foremost of which is their right to free self-determination on their national soil;

7. Calls upon Israel to comply with its obligations under the Charter of the United Nations and to withdraw from the Palestinian and other Arab territories which it has occupied since 1967, in accordance with the relevant United Nations resolutions;

8. Urges all States, United Nations organs, specialized agencies and other international organizations to extend their support and assistance to the Palestinian people through their representative, the Palestine Liberation Organization, in their struggle to recover their rights and to liberate their land from Israeli occupation, in accordance with the Charter of the United Nations and with the relevant United Nations resolutions;

9. Requests the Secretary-General to make available to the Commission on Human Rights, prior to the convening of its forty-seventh session, all information pertaining to the implementation of the present resolution;

10. Requests the Secretary-General to transmit the present resolution to the Government of Israel with a view to its implementation, and to report thereon to the Commission at its forty-seventh session;

11. Decides to include in the provisional agenda of its forty-seventh session, as a matter of high priority, the item entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation" and to consider, in the context of this item, the situation in occupied Palestine.

29th meeting
19 February 1990

[Adopted by 30 votes to 1, with 10 abstensions
See chap. IX.]

1990/7. Use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination

The Commission on Human Rights,

Bearing in mind the need for strict observance of the principles of sovereign equality, political independence, territorial integrity of States and self-determination of peoples, as well as scrupulous respect for the principle of the non-use of force or of the threat of the use of force in international relations, enshrined in the Charter of the United Nations and developed in the Declaration of Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations,

Reaffirming the legitimacy of the struggle of peoples and their liberation movements for their independence, territorial integrity, national unity and liberation from colonial domination, apartheid and foreign intervention and occupation, and that their legitimate struggle can in no way be considered as or equated with mercenary activities,

Deeply concerned about the increasing menace that the activities of mercenaries represent for all States, particularly African, Central American and other developing States,

Recognizing that the use of mercenaries is a threat to international peace and security,

Recognizing also that the activities of mercenaries are contrary to fundamental principles of international law, such as non-interference in the internal affairs of States, territorial integrity and independence, and seriously impede the process of the self-determination of peoples struggling against colonialism, racism and apartheid and all forms of foreign domination,

Recalling the relevant resolutions of the General Assembly, particularly resolutions 42/96 of 7 December 1987, 43/107 of 8 December 1988 and 44/81 of 8 December 1989, in which the Assembly denounced the practice of using mercenaries, in particular against developing countries and national liberation movements,

Recalling Security Council resolutions 239 (1967) of 10 July 1967, 405 (1977) of 14 April 1977, 419 (1977) of 24 November 1977, 496 (1981) of 15 December 1981 and 507 (1982) of 28 May 1982, in which the Council, inter alia, condemned any State that persisted in permitting or tolerating the recruitment of mercenaries and the provision of facilities to them with the objective of overthrowing the Governments of States Members of the United Nations,

Recalling its own resolutions 1986/26 of 10 March 1986, and 1987/16 of 9 March 1987, in which it condemned the increased recruitment, financing, training, assembly, transit and use of mercenaries as well as other forms of support to mercenaries and, in the latter resolution, decided to appoint a special rapporteur to examine the question of the use of mercenaries as a means of violating human rights and of impeding the exercise of the right of peoples to self-determination,

Recalling also its resolutions 1988/7 of 22 February 1988, 1988/30 of 8 March 1988 and 1989/21 of 6 March 1989, by which the mandate of the Special Rapporteur was continued,

Recalling the relevant resolutions of the Organization of African Unity and the Convention adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its fourteenth ordinary session, held at Libreville from 2 to 5 July 1977, condemning and outlawing the use of mercenaries and its adverse effects on the independence and territorial integrity of African States,

Reaffirming the decision in General Assembly resolution 32/130 of 16 December 1977 to accord priority to the search for solutions to the mass and flagrant violations of human rights of peoples and persons affected by situations such as those resulting, inter alia, from aggression and threats against national sovereignty, national unity and territorial integrity,

Alarmed at the emergence of new criminal activities of mercenaries in collusion with drug traffickers in some countries, especially Colombia,

Concerned that small island States, such as the Comoros and Maldives, are especially vulnerable to mercenary activity,

Deeply concerned at the loss of life, the substantial damage to property and the short-term and long-term negative effects on the economy of Central American and southern African countries resulting from mercenary aggression,

Welcoming the adoption by the General Assembly, in its resolution 44/34 of 4 December 1989 of the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, which constitutes an important step forward in the matter and an important new instrument for States wishing to make adjustments in their domestic legislation,

Taking into account the existence of mercenary activities, with the characteristics set forth in the report of the Special Rapporteur (E/CN.4/1990/11), against Angola, the Comoros, Maldives and Nicaragua,

1. Condemns the increased recruitment, financing, training, assembly, transit and use of mercenaries, as well as all other forms of support to mercenaries for the purpose of destabilizing or overthrowing the Governments of southern Africa, the Comoros, Maldives and Nicaragua and of other developing States and fighting against the national liberation movements of peoples struggling for the exercise of their right to self-determination;

2. Considers it inadmissible to use channels of humanitarian and other assistance to finance, train and arm mercenaries;

3. Denounces any State that persists in the recruitment, or permits or tolerates the recruitment, of mercenaries and provides facilities to them for launching armed aggression against other States;

4. Calls upon all States to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to ensure, by both administrative and legislative measures, that the territory of those States and other territories under their control, as well as their nationals, are not used for recruitment, assembly, financing, training and transit of mercenaries or the planning of such activities designed to destabilize or overthrow the Government of any State and to fight the national liberation movements struggling against racism, apartheid, colonial domination and foreign intervention and occupation for their independence, territorial integrity and national unity;

5. Urges all States to take the necessary measures under their respective domestic laws to prohibit the recruitment, financing, training and transit of mercenaries on their territory, as well as all other forms of support and assistance to mercenaries;

6. Expresses the hope that the International Convention against the Recruitment, Use, Financing and Training of Mercenaries will be signed and ratified by the largest possible number of States in order to assure its entry into force in the shortest possible time;

7. Takes note with appreciation of the report of the Special Rapporteur (E/CN.4/1990/11);

8. Decides to extend the mandate of the Special Rapporteur for two years in order to enable him to submit further conclusions and recommendations to the Commission;

9. Expresses its appreciation to the Governments of Angola, Nicaragua as well as other Governments for the co-operation which they extended to the Special Rapporteur;

10. Reaffirms the right of all countries to non-interference in their internal affairs, self-determination and full sovereignty, and welcomes the steps taken towards the peaceful solution of the conflicts particularly in Central America and southern Africa;

11. Decides that the Special Rapporteur, in carrying out his mandate, shall continue to seek the co-operation of governments, intergovernmental and non-governmental organizations and national liberation movements recognized by regional intergovernmental organizations;

12. Requests the Secretary-General to continue to provide all necessary financial resources and sufficient staff to the Special Rapporteur;

13. Requests the Special Rapporteur, in carrying out his mandate, to follow closely the process of ratification and the mode of application of the International Convention against the Recruitment, Use, Financing and Training of Mercenaries and to use his good offices to encourage States to become parties to the Convention, and further requests the Special Rapporteur to include in his future reports information on the state of ratifications and the mode of application of the Convention;

14. Also requests the Special Rapporteur, in carrying out his mandate, to continue to study credible and reliable reports of mercenary activity in developing countries, in particular smaller States, to determine the scope and implications of such activities and the possible responsibility of third parties by means, inter alia, of on-site visits where appropriate;

15. Also requests the Special Rapporteur to seek the point of view of those Governments in whose territories, according to the information communicated to him, mercenaries may have been recruited or trained or may have been provided with facilities for launching armed aggression against other States;

16. Further requests the Special Rapporteur to develop further the position that mercenary acts are means of violating human rights and thwarting the self-determination of peoples;

17. Urges all Governments, particularly those which have suffered from acts of mercenaries, to facilitate the task of the Special Rapporteur and to invite him to conduct on-site visits where appropriate;

18. Recommends that the Special Rapporteur accept the invitation extended to him by the Government of Maldives to visit that country and carry out a thorough investigation of the mercenary activity to which it has been subject;

19. Requests the Special Rapporteur to submit to the Commission on Human Rights at its forty-seventh session a report on the question of the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination, together with his conclusions and recommendations, and to submit a preliminary report to the General Assembly at its forty-fifth session under the agenda item entitled "Importance of the realization of the right of peoples to self-determination and the speedy granting of independence to colonized countries and peoples for the effective guarantee and observance of human rights";

20. Recommends to the Economic and Social Council that it make appropriate arrangements to ensure that the necessary financial resources and sufficient staff are provided to implement the present resolution;

21. Decides to continue the consideration of the question of the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination at its forty-seventh session, as a matter of high priority, under the agenda item entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation".

29th meeting
19 February 1990

[Adopted by 31 votes to 10, with 1 abstention. See chap. IX.]

1990/8. Situation in southern Africa

The Commission on Human Rights,

Bearing in mind the importance for the effective guarantee and observance of human rights of the universal realization of the right of peoples to self-determination enshrined in the Charter of the United Nations and embodied in the International Covenants on Human Rights, as well as in the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960,

Deeply conscious of the urgent need for strict observance of the principles of sovereign equality, political independence, territorial integrity of States and self-determination of peoples, as enshrined in the Charter of the United Nations and developed in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations,

Bearing in mind that the provisions of Additional Protocol I of 1977 to the Geneva Conventions of 12 August 1949 apply to freedom fighters in South Africa fighting for democracy, freedom and self-determination,

Recalling General Assembly resolution 2621 (XXV) of 12 October 1970, containing the programme of action for the full implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling the Harare Declaration of 21 August 1989 on the question of South Africa adopted by the Organization of African Unity Ad hoc Committee on southern Africa,

Recalling Organization of African Unity resolution 1207 (L) on South Africa adopted by the Council of Ministers at its fiftieth ordinary session held at Addis Ababa from 17 to 22 July 1989,

Deeply concerned about the acts of aggression and destabilization perpetrated by the Pretoria régime against the front-line States,

Condemning the continued colonialist and racist oppression of millions of Africans by the racist minority régime of South Africa, through its persistent and intransigent attitude towards all efforts being made to bring about a democratic and internationally acceptable solution to the situation prevailing in South Africa,

Reaffirming that "bantustanization" is incompatible with genuine independence, national unity, self-determination and territorial integrity and has the effect of perpetuating the power of the minority and the racist system of apartheid in South Africa,

Convinced that the system of apartheid is a gross violation of the right to self-determination of the people of South Africa,

Reaffirming the legitimacy of the struggle of the people of South Africa for their right to self-determination,

Condemning the so-called general election held on 6 September 1989 as it seeks to further entrench white supremacy, and impede the realization of free and fair elections based on universal adult suffrage in a united and democratic South Africa,

Taking note of the statement made by Mr. F.W. De Klerk on 2 February 1990, particularly the reference made with regard to the release of Nelson Mandela and the lifting of the ban on anti-apartheid parties and movements,

Taking note also of the Declaration on Apartheid and its Destructive Consequences in South Africa, adopted on 18 December 1989 by the General Assembly at its sixteenth special session (resolution S-16/1),

1. Calls upon all States to implement fully and faithfully the resolutions of the United Nations, in particular General Assembly resolution 1514 (XV), and to take all the necessary steps to enable the dependent peoples of the territories concerned to exercise fully and without delay their inalienable right to self-determination and independence;

2. Reaffirms the legitimacy of the struggle of the oppressed people of South Africa and its national liberation movements by all available means, in accordance with the Charter of the United Nations and relevant United Nations resolutions, for the elimination of the apartheid system and the exercise of the right of self-determination by the people of South Africa;

3. Reiterates its affirmation that the continuation of colonialism in all its forms and manifestations, including racism, racial discrimination, apartheid, the exploitation by foreign and other interests of economic and human resources and the waging of colonial wars to suppress the national liberation movements, is incompatible with the Charter of the United Nations, the Universal Declaration of Human Rights and the Declaration on the Granting of Independence to Colonial Countries and Peoples, and poses a serious threat to international peace and security;

4. Urges all States, directly and through their action in the specialized agencies and other organizations of the United Nations system, to provide all moral and material assistance to the oppressed people of South Africa;

5. Strongly condemns the continued violations of the human rights of peoples still under colonial and foreign domination and the perpetuation of the racist minority régime in South Africa;

6. Condemns the policy of "bantustanization", which denationalizes the majority of the South African people and is contrary to the principle of self-determination and inconsistent with genuine independence, national unity and territorial integrity;

7. Condemns the imposition of censorship and other restrictions on the media by the racist régime, in particular on press reports and the transmission of audio-visual material, aimed at concealing from world public opinion the ruthless atrocities perpetrated by the apartheid régime against the people of South Africa;

8. Demands that South Africa immediately release all people detained or imprisoned as a result of their struggle for self-determination and independence and that it guarantee full respect for their fundamental rights and the observance of article 5 of the Universal Declaration of Human Rights, under which no one shall be subjected to torture or to cruel, inhuman or degrading treatment;

9. Condemns the wanton acts of aggression and destabilization perpetrated by the apartheid régime of South Africa against front-line and other neighbouring States and, in this regard, demands that all States impose mandatory and comprehensive sanctions against South Africa, in order to stop it from committing further acts of aggression and destabilization of neighbouring States;

10. Demands a democratic and non-racial solution in South Africa based on the principle of universal and equal suffrage without any discrimination, in order to allow the people of South Africa freely to enjoy their right to self-determination;

11. Demands that all necessary measures be taken to dismantle the system of apartheid;

12. Welcomes the release of Nelson Mandela, demands the immediate and unconditional release of all political prisoners as well as detainees, and calls on the South African régime to refrain from imposing any restriction on them;

13. Calls for the full implementation of the Declaration on Apartheid and its Destructive Consequences in South Africa, adopted on 18 December 1989 by the General Assembly at its sixteenth special session;

14. Decides to include in the provisional agenda of its forty-seventh session the item entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation" and to give it high priority consideration.

29th meeting
19 February 1990

[Adopted by a roll-call vote of 30 to 2, with 9 abstentions. See chap. IX.]

1990/9. Situation in Cambodia

The Commission on Human Rights,

Recalling its resolutions 29 (XXXVI) of 11 March 1980, 11 (XXXVII) of 6 March 1981, 1982/13 of 25 February 1982, 1983/5 of 15 February 1983, 1984/12 of 29 February 1984, 1985/12 of 27 February 1985, 1986/25 of 10 March 1986, 1987/6 of 19 February 1987, 1988/6 of 22 February 1988 and 1989/20 of 6 March 1989 and Economic and Social Council decisions 1981/154 of 8 May 1981, 1982/143 of 7 May 1982, 1983/155 of 27 May 1983, 1984/148 of 24 May 1984, 1985/155 of 30 May 1985, 1986/146 of 23 May 1986, 1987/155 of 29 May 1987, 1988/143 of 27 May 1988 and 1989/156 of 24 May 1989,

Recalling that all General Assembly resolutions and all its resolutions reaffirm the inherent and inalienable right of the people of Cambodia to fundamental freedoms and human rights, in particular the right to self-determination,

Recalling that the General Assembly, in its resolution 44/22 of 16 November 1989, inter alia, called upon all parties concerned to intensify all efforts towards ensuring that the Cambodian problem be resolved through a comprehensive political settlement, with effective guarantees,

Further recalling that the General Assembly, in its resolution 44/22, affirmed that any withdrawal of foreign forces from Cambodia without United Nations supervision, control and verification is not within the framework of a comprehensive political settlement,

Considering that a complete withdrawal of foreign forces must be verified by the United Nations,

Emphasizing that the effective and full enjoyment of human rights, particularly the inalienable right to self-determination by the Cambodian people, as well as the solution of humanitarian problems cannot be achieved without a comprehensive political settlement of the problem in Cambodia,

Greatly disturbed that the continuing conflict and instability in Cambodia have forced additional numbers of Cambodians to flee their own homeland as refugees and displaced persons outside Cambodia,

Expressing its deep appreciation to the host country, Thailand, the donor countries, the United Nations and its agencies and other humanitarian organizations for facilitating and ensuring the effective and efficient provision of humanitarian relief assistance to those Cambodian displaced persons in border camps,

Emphasizing that it is the inalienable right of those Cambodians who have sought temporary refuge in neighbouring countries to return in safety, security and dignity,

Seriously concerned about reported demographic changes imposed in Cambodia as a result of foreign occupation which are a threat to the survival of the Cambodian people and culture,

Recognizing that the Jakarta Informal Meetings held from 25 to 28 July 1988 (see A/43/493-S/20071) and from 19 to 21 February 1989 (see A/44/138-S/20477 and Corr.1) have made a significant contribution towards achieving a comprehensive political settlement of the Cambodian problem,

Recognizing also that the First Ministerial Meeting of the International Conference on Cambodia, held in Paris from 30 July to 30 August 1989, achieved progress in elaborating a wide variety of elements necessary for reaching a comprehensive settlement, although it was not yet possible to achieve a comprehensive political settlement, and that the Conference should be reconvened in due time after consultations by the Co-Presidents with the participants,

Recalling once again that the General Assembly, in its resolution 44/22, took note of the report of the Secretary-General on the implementation of Assembly resolution 43/19 (A/44/670) as well as the report of the Ad Hoc Committee of the International Conference on Cambodia on its activities during 1988-1989 (A/CONF.109/15),

Noting the recent various proposals made as well as those by the five permanent members of the United Nations Security Council, as set out in the summary of conclusions issued in Paris on 16 January 1990, on an enhanced role of the United Nations,

1. Reiterates its condemnation of the persistent occurrence of gross and flagrant violations of human rights in Cambodia as expressed in its resolutions adopted in the last ten years, namely, resolutions 29 (XXXVI), 11 (XXXVII), 1982/13, 1983/5, 1984/12, 1985/12, 1986/25, 1987/6, 1988/6 and 1989/20;

2. Emphasizes that the Cambodian people should be enabled to exercise their inalienable right to self-determination through free, fair and democratic elections under United Nations supervision;

3. Reiterates its conviction that the withdrawal of all foreign forces from Cambodia under supervision, control and verification of the United Nations, the cessation of all outside military assistance, the creation

of an interim administering authority, the promotion of national reconciliation among Cambodians under the leadership of Samdech Norodom Sihanouk, the non-return to the universally condemned policies and practices of a recent past, the restoration and preservation of the independence, sovereignty, territorial integrity and neutral and non-aligned status of Cambodia, the reaffirmation of the right of the Cambodian people to determine their own destiny and the commitment by all States to non-interference and non-intervention in the internal affairs of Cambodia, with effective guarantees, are the principal components of any just, lasting and comprehensive political settlement of the Cambodian problem;

4. Calls upon all parties concerned to intensify urgently all efforts towards assuring that the Cambodian problem be resolved through a comprehensive political settlement in order to end human rights abuses inflicted upon Cambodians and enable the Cambodian people to determine their own future, to prevent further hostilities, subsequent loss of life and the continued suffering of the Cambodian people, and to ensure the independence, sovereignty, territorial integrity, neutral and non-aligned status of Cambodia, and the non-return to the universally condemned policies and practices of a recent past;

5. Expresses its strong conviction that the establishment and realization of a genuine, durable and lasting peace in Cambodia can be achieved only through the exercise by the Cambodian people of their inalienable rights and fundamental freedoms in conformity with the true intent, purpose and spirit of the principles of human rights;

6. Recommends that the Economic and Social Council at its first regular session of 1990 continue to consider, and in particular undertake, appropriate measures aimed at the early implementation of relevant recommendations with a view to achieving the full enjoyment of the fundamental human rights and freedoms of the Cambodian people, particularly the inalienable right to self-determination;

7. Decides to keep the situation in Cambodia under review as a matter of high priority at its forty-seventh session under the agenda item entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation".

29th meeting
19 February 1990

[Adopted by a roll-call vote of 31 to 5, with 6 abstentions. See chap. IX.]

1990/10. Situation in Panama

The Commission on Human Rights,

Recalling General Assembly resolution 44/240 of 29 December 1989,

Reaffirming the sovereign and inalienable right of Panama to determine freely its social, economic and political system and to develop its international relations without any form of foreign intervention, interference, subversion, coercion or threat,

Recalling that, in accordance with Article 2, paragraph 4, of the Charter of the United Nations, all Member States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations,

Reaffirming the need to restore conditions which will guarantee the full exercise of the human rights and fundamental freedoms of the Panamanian people and its right to decide its future in free and sovereign fashion,

1. Strongly deplores the foreign military intervention in Panama which constitutes a flagrant violation of international law and of the independence, sovereignty and territorial integrity of Panama;

2. Demands the immediate cessation of that intervention;

3. Demands full respect for and strict observance of the letter and spirit of the Torrijos-Carter Treaties;

4. Calls upon all States to uphold and respect the sovereignty, independence and territorial integrity of Panama and the right of its people to decide its future in free and sovereign fashion.

32nd meeting
20 February 1990

[Adopted by a roll-call vote of 14 to 8, with 17 abstentions. See chap. IX.]

B. Decisions

1990/101. Organization of work

At its 1st meeting, on 29 January 1990, the Commission decided, without a vote, to delete item 5 of the provisional agenda of the forty-sixth session of the Commission and to take up the question and the report prepared thereunder under item 12 of the agenda as adopted.

[See chap. III.]

1990/102. Organization of work

(a) At its 2nd meeting, on 30 January 1990, the Commission decided, without a vote, to set up an informal open-ended working group to consider under item 11 the request made by the General Assembly in operative paragraph 3 of its resolution 44/167 of 15 December 1989.

(b) At the same meeting, the Commission decided, without a vote, to invite the following persons to participate in its meetings:

(i) In connection with item 5: Mr. L.M. Balanda, Chairman of the Ad Hoc Working Group of Experts on violations of human rights in southern Africa;

(ii) In connection with item 9: Mr. E. Bernales Ballesteros, Special Rapporteuur on mercenaries;

(iii) In connection with item 10 (a): Mr. P. Kooijmans, Special Rapporteur on the question of torture; in connection with item 10 (c): Mr. I. Tosevski, Chairman-Rapporteur of the Working Group on Enforced or Involuntary Disappearances;

(iv) In connection with item 12: Mr. F. Ermacora, Special Rapporteur on the situation of human rights in Afghanistan; Mr. R. Galindo Pohl, Special Representative on the situation of human rights in the Islamic Republic of Iran; Mr. J.A. Pastor Ridruejo, Special Representative on the situation of human rights in El Salvador; Mr. Fernando Volio Jimenez, Special Rapporteur on the situation of human rights in Chile; Mr. J. Voyame, Special Rapporteur on the situation of human rights in Romania; Mr. S. Amos Wako, Special Rapporteur on summary or arbitrary executions; and experts and representatives of States in respect of which situations were being considered under item 12 (b);

(v) In connection with item 19: Mr. F. Yimer, Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and of its Working Group on Situations;

(vi) In connection with item 22: Mr. H. Gros Espiell, Expert appointed by the Secretary-General on the situation in Guatemala; Mr. A. Texier, Expert appointed by the Secretary-General on the situation in Haiti;

(vii) In connection with item 23: Mr. A.V. d'Almeida Ribeiro, Special Rapporteur on the question of religious intolerance.

[See chap. III.]

---

(68)

UNITED NATIONS

E

Economic and Social Council

Distr.
LIMITED

E/CN.4/1990/L.11/Add.1
28 February 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 27

DRAFT REPORT OF THE COMMISSION

Rapporteur: Mr. Ross HYNES (Canada)

CONTENTS */

Chapter		Page
II.	Resolutions and decisions adopted by the Commission at its forty-sixth session (continued)	
	A. Resolutions	
1990/11.	Detention, torture and other inhuman treatment of children in South Africa	1
1990/12.	Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid ..	2

*/ E/CN.4/1990/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council will be contained in documents E/CN.4/1990/L.11 and addenda.

GE.90-11144/1596B

CONTENTS (continued)

Chapter		Page
II. (contd)	A. Resolutions (continued)	
	1990/13. Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination	6
	1990/14. Popular participation in its various forms as an important factor in development and in the full realization of all human rights	9
	1990/15. Human rights and extreme poverty	10
	1990/16. Question of trade union rights	12
	1990/17. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights	13
	1990/18. The right to development	17
	1990/19. Status of the Convention on the Prevention and Punishment of the Crime of Genocide	19
	1990/20. Status of the International Covenants on Human Rights	20
	1990/21. Computerization of the work of human rights treaty-monitoring bodies in relation to reporting systems	23
	1990/22. The adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the colonial and racist régime in southern Africa	25
	1990/23. Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa	31
	1990/24. Effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, on the implementation of the Declaration on the Right to Development	32

CONTENTS (continued)

Chapter

Page

II. (contd) A. Resolutions (continued)

1990/25. Effective functioning of bodies established pursuant to United Nations human rights instruments 34

1990/26. Situation of human rights in South Africa 38

B. Decisions

1990/105. Measures to combat racism and racial discrimination and the role of the Sub-Commission on Prevention of Discrimination and Protection of Minorities 44

A. Resolutions

1990/11. Detention, torture and other inhuman treatment of children in South Africa

The Commission on Human Rights,

Recalling its resolutions 1987/14 of 3 March 1987, 1988/11 of 29 February 1988 and 1989/4 of 23 February 1989,

Recalling also General Assembly resolutions 42/124 of 7 December 1987, 43/134 of 8 December 1988 and 44/143 of 15 December 1989, adopted without a vote, in which the Assembly expressed its profound outrage at evidence of detention, torture and inhuman treatment of children in South Africa,

Recalling the relevant provisions of the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child,

Having examined the interim report of the Ad Hoc Working Group of Experts on southern Africa (E/CN.4/1990/7) as well as the report of the Secretary-General (E/CN.4/1990/6),

Having also examined Mr. de Klerk's statement of 2 February 1990 and taken note of it,

Appalled at the continuing evidence that children in South Africa are subjected to detention, torture and inhuman treatment,

Gravely concerned about reports of the continuing repressive measures targeted on children in South Africa,

Noting with indignation the impotence of the South African judiciary and the degradation of its professional ethics,

Reiterating its position that apartheid is repugnant, immoral and constitutes an affront to human dignity,

1. Reiterates its vigorous condemnation of the detention, torture and inhuman treatment of children in South Africa;

2. Demands that South Africa lift forthwith the restrictions imposed on children, particularly those released from detention, and ensure their basic and legitimate freedoms of movement, association and education;

3. Demands also the immediate and unconditional release of all children held in detention;

4. Demands further the immediate and total termination of the state of emergency and the abrogation of all repressive and discriminatory legislation;

5. Requests all relevant United Nations bodies, specialized agencies and non-governmental organizations to launch a world-wide campaign aimed at drawing attention to, monitoring and exposing these inhuman practices;

6. Further demands the immediate and total abolition of the apartheid system and its replacement with a non-racial representative government based on the principle of universal suffrage;

7. Appeals to the international community to adopt concrete and effective measures to bring pressure to bear against the Government of South Africa until it dismantles apartheid and abandons all inhuman practices associated with this policy;

8. Requests the Ad Hoc Working Group of Experts on southern Africa to pay special attention to the question of detention, torture and other inhuman treatment of children in South Africa and report to the Commission on Human Rights at its forty-seventh session;

9. Requests the Secretary-General to provide every assistance to enable the Ad Hoc Working Group of Experts to discharge its responsibilities in accordance with the relevant provisions of the present resolution;

10. Requests also the Secretary-General to intervene with the Government of South Africa in order to bring to an end the detention, torture and other forms of inhuman treatment of children in South Africa and to report on the outcome of his efforts to the Commission on Human Rights at its forty-seventh session;

11. Further requests the Secretary-General to bring the present resolution to the attention of the relevant United Nations bodies, specialized agencies and non-governmental organizations;

12. Decides to discuss the question of detention, torture and other inhuman treatment of children in South Africa at its forty-seventh session under the agenda item entitled "Violations of human rights in southern Africa: report of the Ad Hoc Working Group of Experts".

38th meeting
23 February 1990

[Adopted without a vote. See chap. V.]

1990/12. Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid

The Commission on Human Rights,

Recalling General Assembly resolutions 41/103 of 4 December 1986, 42/56 of 30 November 1987, 43/97 of 8 December 1988 and 44/79 of 8 December 1989,

Recalling its resolutions 10 (XXXV) of 5 March 1979, 13 (XXXVI) of 26 February 1980, 6 (XXXVII) of 23 February 1981, 1982/10 of 25 February 1982, 1983/12 of 18 February 1983, 1984/7 of 28 February 1984, 1985/10 of 26 February 1985, 1986/7 of 28 February 1986, 1987/11 of 26 February 1987, 1988/14 of 29 February 1988 and 1989/8 of 23 February 1989,

Recalling its resolution 7 (XXXIV) of 22 February 1978, in which it called upon States parties to the International Convention on the Suppression and Punishment of the Crime of Apartheid to submit, in accordance with article VII of the Convention, their first report not later than two years after becoming parties to the Convention and their periodic reports at two-year intervals,

Having considered the report of the Group of Three established under article IX of the Convention (E/CN.4/1990/35),

Reaffirming its conviction that apartheid constitutes a total negation of the purposes and principles of the Charter of the United Nations, a gross violation of human rights and a crime against humanity, seriously threatening international peace and security,

Convinced that the crime of apartheid is a form of the crime of genocide,

Reaffirming the view that the activities of transnational corporations operating in South Africa perpetuate the crime of apartheid,

Reaffirming that it is the responsibility of the United Nations and the international community as a whole to assist the people of South Africa to eliminate apartheid,

Condemning the continued collaboration of certain States and transnational corporations with the racist régime of South Africa in the political, economic, military and other fields as an encouragement to the intensification of its odious policy of apartheid,

Expressing concern at the fact that only one State acceded to the Convention in 1989,

Reaffirming its conviction that ratification of, or accession to, the Convention on a universal basis and implementation of its provisions are necessary for its effectiveness and therefore will contribute to the eradication of the crime of apartheid,

Drawing attention to the need to strengthen the various mechanisms for combating apartheid, inter alia through the establishment of an international penal tribunal as provided for in article V of the Convention,

Reaffirming its conviction that the imposition of comprehensive and mandatory sanctions against the racist régime of South Africa is a peaceful means available to the international community for putting an end to the system of apartheid,

1. Takes note with appreciation of the report of the Group of Three established under article IX of the International Convention on the Suppression and Punishment of the Crime of Apartheid, and in particular of the conclusions and recommendations contained in that report;

2. Welcomes the work done by the Group of Three in accordance with Commission resolution 1989/8;

3. Commends those States parties to the International Convention on the Suppression and Punishment of the Crime of Apartheid that have submitted periodic reports, and calls upon those States parties that have not yet done so to submit their reports as soon as possible, in accordance with article VII of the Convention;

4. Requests the States parties to the Convention to continue to submit their initial reports not later than two years after the entry into force of the Convention for the States parties concerned and their periodic reports at four-year intervals, on the understanding that they may submit additional information to the Group at any time in the intervening period if they wish to do so;

5. Urges once again the States which have not yet done so to ratify or accede to the Convention without delay, especially those States which had jurisdiction over transnational corporations operating in South Africa;

6. Also urges all States to ratify the Convention on the Prevention and Punishment of the Crime of Genocide;

7. Recommends once again that all States parties to the International Convention on the Suppression and Punishment of the Crime of Apartheid should take full account of the general guidelines laid down by the Group of Three in 1978 for the submission of reports (E/CN.4/1286, annex);

8. Reiterates its recommendation to States parties to be represented when their country's report is to be considered by the Group of Three;

9. Draws the attention of all States to the opinion expressed by the Group of Three in its report that transnational corporations operating in South Africa must be considered accomplices in the crime of apartheid, in accordance with article III (b) of the Convention;

10. Calls on all States whose transnational corporations continue to do business with South Africa to take all appropriate steps to terminate their dealings with South Africa;

11. Calls on States parties to strengthen their co-operation at the national and international levels in order to implement fully the decisions taken by the Security Council and other competent United Nations bodies with a view to the prevention, suppression and punishment of the crime of apartheid, in accordance with article VI of the Convention and with the Charter of the United Nations;

12. Draws the attention of States parties to the desirability of disseminating further information on the Convention, the implementation of its provisions and the work of the Group of Three;

13. Notes the importance of measures to be taken by States parties in the field of teaching and education for fuller implementation of the Convention;

14. Appeals to all States, United Nations organs, specialized agencies and international and national non-governmental organizations to step up their activities in enhancing public awareness by denouncing the crimes committed by the racist régime of South Africa;

15. Requests the Secretary-General to invite States parties to the Convention to express their views on the extent and the nature of the responsibility of transnational corporations for the continued existence of the system of apartheid in South Africa;

16. Requests the Group of Three to continue, in the light of the views expressed by States parties to the Convention, the examination of the extent and the nature of the responsibility of transnational corporations for the continued existence of the system of apartheid in South Africa, including legal action that may be taken under the Convention against transnational corporations whose operations in South Africa come under the crime of apartheid, and to report to the Commission on Human Rights at its forty-seventh session;

17. Requests the Secretary-General to invite the States parties to the Convention, the specialized agencies and non-governmental organizations to provide the Commission with relevant information concerning the types of crimes of apartheid, as described in article II of the Convention, committed by transnational corporations operating in South Africa;

18. Requests the Secretary-General to intensify his efforts, through appropriate channels, to disseminate information on the Convention and its implementation with a view to promoting further ratifications of or accessions to the Convention, and to give consideration to drawing up model legislation which would serve the States parties as a guide for the implementation of the provisions of the Convention;

19. Decides that the Group of Three shall meet for a period of not more than five days before the forty-seventh session of the Commission to consider the reports submitted by States parties in accordance with article VII of the Convention;

20. Requests the Secretary-General to provide all necessary assistance to the Group of Three.

38th meeting
23 February 1990

[Adopted by a roll-call vote of 32 to 2, with 9 abstentions. See chap. XV.]

1990/13. Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination

The Commission on Human Rights,

Reaffirming the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex or religion,

Reaffirming its conviction that racism, racial discrimination and apartheid constitute a total negation of the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,

Reaffirming its firm determination and its commitment to eradicate totally and unconditionally racism in all its forms, racial discrimination and apartheid,

Recalling its resolution 1989/9 of 23 February 1989,

Bearing in mind General Assembly resolution 39/16 of 23 November 1984 on the Second Decade to Combat Racism and Racial Discrimination, in which the Assembly invited the Commission on Human Rights to continue exercising vigilance in identifying actual or emergent situations of racism or racial discrimination, to draw attention to them where discovered and to suggest remedial measures,

Convinced of the need to take more effective and sustained international measures for the elimination of all forms of racism and racial discrimination and the total eradication of apartheid in South Africa,

Noting with concern that, despite the efforts of the international community, the principal objectives of the First Decade for Action to Combat Racism and Racial Discrimination were not attained and that millions of human beings continue to this day to be the victims of varied forms of racism, racial discrimination and apartheid,

Recalling General Assembly resolution 44/52 of 8 December 1989, in which the Assembly noted with regret that the current situation of the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination was not encouraging, and strongly appealed to all Governments, organizations and individuals in a position to do so to contribute generously to the Trust Fund,

Noting that the topic for thematic consideration in 1991 will be "Ways and means of denying support to racist régimes with a view to making them change their policies",

Taking note of the report of the Secretary-General (E/CN.4/1990/36),

1. Commends all States that have ratified or acceded to the relevant international instruments to combat racism and racial discrimination;

2. Appeals to those States that have not yet done so to take the necessary steps to ratify, accede to and implement the relevant international instruments, particularly the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of Apartheid, and the International Convention against Apartheid in Sports, as well as the Convention against Discrimination in Education, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 14 December 1960;

3. Emphasizes again the importance of adequate recourse procedures for victims of racism and racial discrimination, and therefore requests once again the Secretary-General, in the light of the results of the seminars held on this topic, to prepare and finalize, with the assistance of experts in the field, a handbook of recourse procedures;

4. Invites all Governments and international and non-governmental organizations to increase and intensify their activities to combat racism, racial discrimination and apartheid and to provide relief and assistance to the victims of these evils;

5. Urges all States and international organizations to co-operate with the Secretary-General in the implementation of those activities for the period 1985-1989 (see A/39/167-E/1984/33 and Add.1 and 2) not yet undertaken and of the plan of activities for the period 1990-1993 listed in the annex to General Assembly resolution 42/47 of 30 November 1987;

6. Strongly appeals to all Governments, organizations and individuals in a position to do so to contribute generously to the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination;

7. Requests the Secretary-General to inform the Commission on Human Rights of the measures taken, pursuant to General Assembly resolution 42/47, to ensure the inclusion in the bienniums 1990-1991 and 1992-1993 of sufficient resources to provide for implementation of the activities of the Second Decade;

8. Also requests the Secretary-General to inform the Commission on Human Rights annually of the progress made in carrying out the plan of activities for 1992-1993 so that the Commission can make its contribution thereto;

9. Takes note with satisfaction of General Assembly resolution 44/52, in which the Assembly reiterated its request to the Economic and Social Council to submit annual reports, throughout the Second Decade, to the Secretary-General on the activities undertaken or contemplated to achieve the objectives of the Second Decade;

10. Decides to give thematic consideration each year to a selected topic within the plan of activities for 1990-1993, as listed in the annex to General Assembly resolution 42/47;

11. Recalls its resolution 1989/9, in which it decided that the topic for such thematic consideration in 1991 will be "Ways and means of denying support to racist régimes with a view to making them change their policies";

12. Decides that the topic for 1992 will be "Treatment of political prisoners and detainees in South Africa, particularly women and children";

13. Takes note with satisfaction of the study by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. Asbjørn Eide, on the results achieved and the obstacles

encountered during the first Decade for Action to Combat Racism and Racial Discrimination and the first half of the Second Decade (E/CN.4/Sub.2/1989/8 and Add.1), decides to transmit it to the General Assembly at its forty-fifth session and recommends that it be published and distributed on as wide a scale as possible;

14. Takes note also with satisfaction of the report of the International Seminar on Cultural Dialogue Between the Countries of Origin and the Host Countries of Migrant Workers held at Athens from 18 to 26 September 1989 (E/CN.4/1990/50) and requests the Secretary-General to give it wide distribution among Governments, competent United Nations bodies, specialized agencies, other intergovernmental organizations and non-governmental organizations;

15. Invites the Secretary-General to ensure the effective implementation of those activities proposed for the first half of the Decade that have not yet been undertaken and to proceed with the implementation of the activities for the period 1990-1993 listed in the annex to General Assembly resolution 42/47;

16. Requests the Secretary-General to organize in 1990 a meeting of representatives of national institutions and organizations promoting tolerance and harmony and combating racism and racial discrimination with a view to exchanging experience on the promotion of such objectives;

17. Decides to consider the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination as a matter of high priority at its forty-seventh session.

38th meeting
23 February 1990

[Adopted without a vote. See chap. XVI.]

1990/14. Popular participation in its various forms as an important factor in development and in the full realization of all human rights

The Commission on Human Rights,

Recalling the resolutions and decision of the General Assembly and of the Economic and Social Council relating to the question of popular participation in its various forms as an important factor in development and in the full realization of all human rights,

Recalling also its resolutions on popular participation, including resolution 1989/14 of 2 March 1989 by which it requested the Secretary-General to submit a report containing comments on the study on popular participation in its various forms as an important factor in development and in the full realization of all human rights (E/CN.4/1985/10 and Add.1 and 2) made by Governments, United Nations organs, specialized agencies and non-governmental organizations for consideration at its forty-sixth session,

1. Takes note with appreciation of the report of the Secretary-General (E/CN.4/1990/8) containing, inter alia, information on the substantive replies received so far;

2. Requests the Secretary-General, in preparing a study regarding the question of the extent to which the right to participation has been established and has evolved at the national level, to be submitted to the Commission at its forty-seventh session, to use once again all channels at his disposal to collect the relevant information and substantive views and comments on the study on popular participation;

3. Decides to consider the question of popular participation at its forty-seventh session under the sub-item of the agenda entitled "Popular participation in its various forms as an important factor in development and in the full realization of all human rights".

38th meeting
23 February 1990

[Adopted without a vote. See chap. VII.]

1990/15. Human rights and extreme poverty

The Commission on Human Rights,

Recalling that the peoples of the United Nations have reaffirmed in the Charter their faith in fundamental human rights and in the dignity and worth of the human person,

Mindful that the Universal Declaration of Human Rights provides that everyone has the right to a standard of living adequate for the health and well-being of himself and of his family,

Recalling that, in accordance with the Universal Declaration of Human Rights, the International Covenants on Human Rights recognize that the ideal of free human beings, enjoying freedom from fear and want, can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights,

Reaffirming that all human rights and fundamental freedoms are indivisible and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of other rights,

Recalling that the elimination of widespread poverty and the full enjoyment of economic, social and cultural rights remain interrelated goals,

Deeply concerned by the fact that, despite the progress achieved by the international community in ensuring the effective enjoyment of the rights of the person, extreme poverty continues to spread throughout the world, seriously affecting the most vulnerable and disadvantaged individuals, families and groups in all countries, who are thus hindered in the exercise of their human rights and their fundamental freedoms,

Recognizing, moreover, that respect for and promotion of human rights are essential if individuals are to participate freely and responsibly in the development of the society in which they live,

Recalling its resolution 1989/10 of 2 March 1989, in which it requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to give particular attention to extreme poverty and exclusion from society and to examine the feasibility of a study of this question,

Recalling General Assembly resolution 44/148 of 15 December 1989, entitled "Human rights based on solidarity",

Recalling resolution 1989/8, "Reaching the poorest", adopted by the UNICEF Executive Board, in which it is emphasized, inter alia, that a more thorough knowledge of the situation of the poorest, of their living conditions and the pre-conditions for their partnership would make it easier to reach the groups in question,

Recalling resolution 1989/20 of 31 August 1989 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in which the Sub-Commission endorsed the preliminary conclusions of the Special Rapporteur on the realization of economic, social and cultural rights,

Bearing in mind the action already taken in the relevant forums to ensure the realization of economic, social and cultural rights,

Aware of the necessity of a better understanding of the causes of extreme poverty, including the causes connected with the problems of development, and its interaction with the enjoyment of human rights,

1. Reaffirms that extreme poverty and exclusion from society constitute a violation of human dignity and that urgent national and international action is therefore required to eliminate them;

2. Requests States, the specialized agencies and United Nations bodies and other international organizations, including non-governmental organizations, to give the necessary attention to this problem when they make known their views on human rights based on solidarity, pursuant to General Assembly resolution 44/148;

3. Draws the attention of the General Assembly and all United Nations bodies to the contradiction between the existence of situations of extreme poverty and exclusion from society, which must be overcome, and the ability to enjoy human rights fully;

4. Urges the Committee on Economic, Social and Cultural Rights to give the necessary attention, in its work, to the question of extreme poverty and exclusion from society;

5. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities when giving attention, in accordance with its resolution 1989/20, to problems, policies and progressive measures relating to more effective realization of economic, social and cultural rights, to examine the question of extreme poverty and exclusion from society in greater depth and to carry out a specific study of this question.

38th meeting
23 February 1990

[Adopted without a vote. See chap. VII.]

1990/16. Question of trade union rights

The Commission on Human Rights,

Recalling that in the preambles to the International Covenants on Human Rights it is recognized that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights,

Reaffirming that all human rights and fundamental freedoms are indivisible and interrelated, and that the promotion and protection of one category of rights does not exempt or excuse States from the duty of protecting and promoting the other category of rights,

Recognizing the most important role played by trade unions in efforts to achieve social justice,

Recalling that the right of everyone to form and to join trade unions is embodied in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Further recalling the most important role played by the International Labour Organisation in the protection and promotion of trade union rights,

Deeply concerned by the fact that in many countries persons who exercise their trade union rights in striving for a more just society and human dignity are subject to serious violations of their fundamental human rights, including the right to life,

1. Appeals to States to ensure that conditions are such that all persons under their jurisdiction can exercise their trade union rights freely and in full;

2. Requests Governments to take immediate action to put an end to existing violations of these rights;

3. Invites Member States that have not yet done so to ratify and apply in full the International Labour Organisation's Convention concerning Freedom of Association and Protection of the Right to Organise, 1948 (No. 87) and the Convention concerning the Application of the Principles of the Right to Organise and Bargain Collectively, 1949 (No. 98).

38th meeting
23 February 1990

[Adopted without a vote. See chap. VII.]

1990/17. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights

The Commission on Human Rights,

Recalling that the peoples of the United Nations have reaffirmed in the Charter their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women, and have determined to promote social progress and better standards of life in larger freedom,

Mindful that the Universal Declaration of Human Rights provides that all persons are entitled to the realization of their economic, social and cultural rights which are indispensable to their dignity and the free development of their personality,

Recalling the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, and reaffirming that all human rights and fundamental freedoms are indivisible and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of the other rights,

Convinced that equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights,

Aware that, despite progress achieved by the international community with respect to the setting of standards for the realization of the economic, social and cultural rights contained in the International Covenant on Economic, Social and Cultural Rights, the implementation and promotion of these rights and the problems of their realization have not received sufficient attention within the framework of the United Nations system,

Recognizing that, in accordance with the provisions of the International Covenant on Economic, Social and Cultural Rights, Member States, individually and through international co-operation, should intensify their efforts to secure an adequate standard of living for all people, giving priority to those living in extreme poverty,

Recalling the essential importance of national efforts and international co-operation based on free consent to the realization of the right of all persons to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to a continuous improvement in living conditions,

Conscious of the need to secure full respect for the rights contained in the International Covenant on Economic, Social and Cultural Rights, including the rights of the most vulnerable and disadvantaged,

Recognizing that popular participation in its various forms is an important factor in development and in the full realization of all human rights,

Reaffirming the importance of increasing public awareness of the Committee on Economic, Social and Cultural Rights and the role that non-governmental organizations can play in that regard,

Welcoming the efforts made with a view to an intensive study of the International Covenant on Economic, Social and Cultural Rights, and recognizing the urgent need for a more vigorous and effective multidisciplinary approach to the promotion and protection of the rights contained in the Covenant,

1. Welcomes the contribution of the Committee on Economic, Social and Cultural Rights, which continues to give impetus to the implementation of the economic, social and cultural rights contained in the Covenant;

2. Encourages States parties to the International Covenant on Economic, Social and Cultural Rights to give their full support and co-operation to the Committee on Economic, Social and Cultural Rights, inter alia, by ensuring that expert representatives are designated for the presentation of States' reports and by the preparation, in consultation with relevant government departments and agencies, of succinct information;

3. Welcomes the establishment by the Committee of a pre-sessional working group to ensure better preparation for the Committee's work, and invites the Committee to continue to develop as a matter of priority its general guidelines for the preparation of reports pursuant to articles 16 and 17 of the Covenant, taking due account of the compilation of guidelines prepared by the Secretary-General (A/40/600/Add.1) and focusing on such specific information as would assist the Committee to carry out its mandate more effectively;

4. Welcomes the adoption by the Committee of a general comment at both its third and fourth sessions, and encourages the Committee to continue using that mechanism to develop a fuller appreciation of the obligations of States parties under the Covenant;

5. Welcomes the dialogue between the Committee and the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the realization of economic, social and cultural rights, Mr. Danilo Türk, and expresses the hope that the dialogue will continue;

6. Invites States parties, in conformity with article 2, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights, to consider identifying bench-marks to measure achievements in the progressive

realization of the rights recognized in the Covenant, and in this context to pay particular regard to the most vulnerable and disadvantaged;

7. Affirms that full respect for the rights contained in the International Covenant on Economic, Social and Cultural Rights is inextricably linked with the process of development, the central purpose of which is the realization of the potentialities of the human person in harmony with the effective participation of all members of society in relevant decision-making processes as agents and beneficiaries of development, as well as fair distribution of the benefits of development;

8. Invites Member States to include measures to ensure the promotion and protection of human rights in national development policies and programmes;

9. Welcomes the Committee's decision to devote one day at each of its sessions to a general discussion of one specific right or a particular article of the Covenant in order to develop in greater depth its understanding of the relevant issues, and urges States parties, specialized agencies and non-governmental organizations to contribute actively to the Committee's work through the various opportunities provided for in both written statements and oral interventions;

10. Welcomes the Committee's focus in its general comment on article 22 of the International Covenant on Economic, Social and Cultural Rights on the means by which the various United Nations agencies working in the field of development could seek to integrate measures designed to promote full respect for economic, social and cultural rights in their activities;

11. Requests the Secretary-General to intensify co-ordination between the human rights activities of the United Nations and the programmes of development agencies and, in this regard, notes the relevance of the programme of advisory services;

12. Requests the Secretary-General to consult the Committee with a view to eliciting its recommendations as to how the programme of advisory services in the field of human rights could best be used to promote enhanced respect for economic, social and cultural rights;

13. Urges the Economic and Social Council, in reviewing its activities pursuant to General Assembly resolution 41/213 of 19 December 1986, to bear in mind its central responsibility for effective implementation of the International Covenant on Economic, Social and Cultural Rights, while paying due regard to the distinctive character of the Committee on Economic, Social and Cultural Rights in its capacity as a treaty body;

14. Invites the Economic and Social Council, pursuant to article 22 of the Covenant, to identify ways in which international co-operation and technical assistance would contribute, particularly in developing countries, to the effective progressive implementation of the rights recognized in the Covenant;

15. Welcomes the preliminary report entitled "Realization of Economic, Social and Cultural Rights" (E/CN.4/Sub.2/1989/19) prepared by the Special Rapporteur of the Sub-Commission;

16. Invites the Special Rapporteur, when preparing a progress report on problems, policies and progressive measures relating to a more effective realization of economic, social and cultural rights, to take into account comments made in the Commission on Human Rights, and requests that in the report priority be given to identifying practical strategies to promote for everyone the economic, social and cultural rights contained in the Covenant, paying particular attention to the most vulnerable and disadvantaged;

17. Decides to consider issues raised by the present resolution again at its forty-seventh session under the agenda item entitled "Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights".

38th meeting
23 February 1990

[Adopted without a vote. See chap. VII.]

1990/18. The right to development

The Commission on Human Rights,

Recalling the resolutions of the General Assembly and the Commission on Human Rights on the right to development,

Reaffirming the principles contained in the Declaration on the Right to Development, proclaimed by the General Assembly in its resolution 41/128 of 4 December 1986,

Bearing in mind General Assembly resolution 44/62 of 8 December 1989, by which the Assembly called upon the Commission on Human Rights to decide at its forty-sixth session on the future course of action, in particular on practical measures, for the implementation and enhancement of the Declaration,

Mindful that the Commission on Human Rights has entered a new phase on this matter, directed towards implementation and further enhancement of the right to development,

Aware of the need for more co-ordinated action in the implementation and further enhancement of the right to development within the United Nations system,

Reaffirming the need for an evaluation mechanism so as to ensure the promotion, encouragement and reinforcement of the principles contained in the Declaration,

Noting with appreciation the holding of the Global Consultation on the Realization of the Right to Development as a Human Right at Geneva, from 8 to 12 January 1990, pursuant to the request contained in Commission on Human Rights resolution 1989/45 of 6 March 1989,

1. Reiterates the importance of the right to development for all countries, in particular the developing ones;

2. Takes note with interest of the report on the Global Consultation on the Realization of the Right to Development as a Human Right (E/CN.4/1990/9) prepared by the Secretary-General pursuant to resolution 1989/45 of the Commission;

3. Requests the Secretary-General to transmit the report on the global consultation to all Governments, United Nations organs, the General Assembly at its Special Session on International Economic Co-operation to be held in April 1990, the Ad Hoc Committee of the Whole on the Preparation of the International Development Strategy for the Fourth United Nations Development Decade, the Committee on Development Planning at its twenty-sixth session and the Administrative Committee on Co-ordination, to the specialized agencies and other intergovernmental, governmental and concerned non-governmental organizations with a view to obtaining concrete comments and proposals for further international and national action aimed at strengthening the existing, or creating possible new, mechanisms for the promotion and protection of human rights, taking into account the ideas contained in chapter VII of the report and the views expressed on the issue during the debate at the forty-sixth session of the Commission, including the creation of a group of experts;

4. Reiterates the need for a continuing evaluation mechanism so as to ensure the promotion, encouragement and reinforcement of the principles contained in the Declaration on the Right to Development;

5. Recommends to the Economic and Social Council at its first regular session of 1990 and the General Assembly at its forty-fifth session to consider the question of the right to development, including the conclusions and recommendations of the report on the global consultation with a view to the implementation and further enhancement of the Declaration;

6. Requests the Office of the Director-General for Development and International Economic Co-operation and the Centre for Human Rights to continue to co-ordinate the various activities with regard to the implementation of the Declaration;

7. Requests the Secretary-General to submit to the Commission on Human Rights at its forty-seventh session, under the agenda item entitled "Question of the realization of the right to development", a comprehensive report containing the comments and proposals referred to above, as well as information on the measures taken and suggestions made for the continuing implementation of the Declaration on the Right to Development within the United Nations system;

8. Further requests the Secretary-General to publish the report on the global consultation as part of the World Public Information Campaign for Human Rights and to give it the widest possible circulation.

38th meeting
23 February 1990

[Adopted without a vote. See chap. VIII.]

1990/19. Status of the Convention on the Prevention and Punishment of the Crime of Genocide

The Commission on Human Rights,

Recalling General Assembly resolutions 40/142 of 13 December 1985, 41/147 of 4 December 1986, 42/133 of 7 December 1987, 43/138 of 8 December 1988 and 44/158 of 15 December 1989,

Recalling also its resolutions 1986/18 of 10 March 1986, 1987/25 of 10 March 1987, 1988/28 of 7 March 1988 and 1989/16 of 2 March 1989,

Recalling further the Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the General Assembly in its resolution 260 A (III) of 9 December 1948,

Reaffirming its conviction that genocide is a crime which violates the norms of international law and runs counter to the spirit and aims of the United Nations,

Expressing its conviction that strict observance by all States of the provisions of the Convention is necessary for the prevention and punishment of the crime of genocide,

1. Strongly condemns once again the crime of genocide;

2. Affirms the necessity of international co-operation in order to liberate humankind from this odious crime;

3. Takes note with appreciation of the fact that one hundred States have ratified the Convention on the Prevention and Punishment of the Crime of Genocide or acceded thereto;

4. Urges those States that have not yet become parties to the Convention to ratify it or accede thereto without further delay;

5. Decides to consider the question of the status of the Convention on the Prevention and Punishment of the Crime of Genocide at its forty-eighth session under the agenda item entitled "Status of the International Covenants on Human Rights".

38th meeting
23 February 1990

[Adopted without a vote. See chap. XVII.]

1990/20. Status of the International Covenants on Human Rights

The Commission on Human Rights,

Mindful that the International Covenants on Human Rights constitute the first all-embracing and legally binding international treaties in the field of human rights and, together with the Universal Declaration of Human Rights, form the heart of the International Bill of Human Rights,

Recalling its resolution 1989/17 of 2 March 1989 and General Assembly resolution 44/129 of 15 December 1989,

Having considered the report of the Secretary-General on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights (A/44/441),

Noting in this regard that a number of States Members of the United Nations have yet to become parties to the International Covenants on Human Rights,

Bearing in mind its responsibility for the co-ordination of activities concerning human rights in the United Nations system, in accordance with Economic and Social Council resolution 1979/36 of 10 May 1979,

Considering that the effective functioning of treaty bodies established in accordance with the relevant provisions of international instruments on human rights plays a fundamental role and hence represents an important continuing concern of the United Nations,

1. Reaffirms the importance of the International Covenants on Human Rights as major parts of international efforts to promote universal respect for and observance of human rights and fundamental freedoms;

2. Appeals strongly to all States that have not yet become parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights to do so, as well as to consider acceding to the Optional Protocol to the International Covenant on Civil and Political Rights;

3. Invites the Secretary-General to intensify systematic efforts to encourage States to become parties to the International Covenants and, through the programme of advisory services in the field of human rights, to provide technical assistance to the States that are not parties to the Covenants, with a view to assisting them to ratify them or accede thereto;

4. Again invites States parties to the International Covenant on Civil and Political Rights, which have not yet done so, to consider making the declaration provided for in article 41 of the Covenant;

5. Emphasizes the importance of the strictest compliance by States parties with their obligations under the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and, where applicable, the Optional Protocols to the International Covenant on Civil and Political Rights;

6. Recommends to States parties that they periodically review any reservations made in respect of the provisions of the International Covenants on Human Rights to ascertain whether they should be maintained;

7. Stresses to States parties the importance of avoiding the erosion of human rights by derogation, and underlines the necessity for strict observance of the agreed condition and procedure for derogation under article 4 of the International Covenant on Civil and Political Rights and the need for States parties to provide the fullest possible information during states of emergency, so that the justification and appropriateness of measures taken in these circumstances can be assessed;

8. Expresses its satisfaction with the serious and constructive manner in which the Human Rights Committee and the Committee on Economic, Social and Cultural Rights are undertaking their functions;

9. Welcomes the continuing efforts of the Human Rights Committee to strive for uniform standards in the implementation of the provisions of the International Covenant on Civil and Political Rights, and appeals to other bodies dealing with similar questions of human rights to respect these uniform standards as expressed in the general comments of the Human Rights Committee;

10. Welcomes also the efforts of the Committee on Economic, Social and Cultural Rights in the preparation of general comments to the provisions of the International Covenant on Economic, Social and Cultural Rights;

11. Requests the Secretary-General to consider ways and means, within existing resources, of assisting States parties to the Covenants in the preparation of their reports, including the awarding of fellowships to government officials engaged in the preparation of such reports, the organization of regional and subregional training courses and the exploration of other possibilities available under the programme of advisory services in the field of human rights;

12. Encourages once again all Governments to publish the texts of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights in as many languages as possible and to disseminate them as widely as possible in order to make them better known;

13. Requests the Secretary-General to submit to the Commission on Human Rights, at its forty-seventh session, a report on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights, including all reservations and declarations, and to include in that report information on the work of the Economic and Social Council and the Committee on Economic, Social and Cultural Rights;

14. Decides to include in the provisional agenda of its forty-seventh session an agenda item entitled "Status of the International Covenants on Human Rights".

38th meeting
23 February 1990

[Adopted without a vote. See chap. XVII.]

1990/21. Computerization of the work of human rights treaty-monitoring bodies in relation to reporting systems

The Commission on Human Rights,

Considering that the effective functioning of treaty-monitoring bodies established pursuant to United Nations human rights instruments, including the consideration of periodic reports of States parties, is essential for monitoring the implementation of those instruments and for the realization of the aims and objectives enshrined in the Charter of the United Nations and in the Universal Declaration of Human Rights,

Recalling the many resolutions of the General Assembly, the Economic and Social Council and the Commission on Human Rights affirming the importance of the effective implementation of United Nations human rights instruments in promoting universal respect for, and observance of, human rights and fundamental freedoms,

Reiterating its deep concern over the delays in submission of national reports by States parties to those instruments and in the consideration of reports by treaty bodies,

Recalling also that the meeting of persons chairing human rights treaty bodies, held at Geneva in October 1988, considered it essential, in addressing those problems, to make use of the opportunities provided by computerization and recommended the appointment of a task force on computerization,

Recalling further that the General Assembly, in its resolution 43/115 of 8 December 1988, requested the Commission on Human Rights, in view of its overall responsibilities in the field of human rights, to consider at its forty-fifth session, as a matter of priority, the conclusions and recommendations of the meeting of persons chairing human rights treaty bodies, in particular those identified as matters requiring urgent action, and to report to the General Assembly at its forty-fourth session, through the Economic and Social Council,

Having considered at its forty-fifth session:

(a) The importance of urgently needed measures to assist States parties to human rights instruments to fulfil their reporting obligations;

(b) The need for rationalizing the entire reporting and monitoring systems;

(c) The rapidly increasing work-load of the Centre for Human Rights in respect of treaty implementation as well as the need for the Centre to assist both the States parties and the treaty-monitoring bodies,

Recalling its resolution 1989/46 of 6 March 1989 by which it requested the Secretary-General to consider appointing, within existing resources, a task force composed of a limited number of experts, including one or more computer experts, to prepare a study on computerizing, as far as possible, the work of the treaty-monitoring bodies in relation to reporting, with a view to enhancing efficiency and facilitating compliance by States parties with their reporting obligations and the examination of the reports by the treaty bodies, and to report to the Commission on Human Rights at its forty-sixth session on the result of the work,

Taking note of General Assembly resolution 44/135 of 15 December 1989 by which the Assembly, inter alia, welcomed the appointment by the Secretary-General of a task force to prepare a study on computerizing, as far as possible, the work of the treaty-monitoring bodies,

Having considered the report of the Secretary-General (E/CN.4/1990/39) on the results of the study undertaken by the Task Force on Computerization,

1. Takes note with appreciation of the report of the Secretary-General;

2. Takes note of the study on computerizing the work of the human rights treaty-monitoring bodies in relation to reporting, prepared by the Task Force (E/CN.4/1990/39, annex);

3. Suggests that the proposed system take advantage of and be complementary to the existing computer and optical disk equipment already functioning within the various sections of the United Nations Office at Geneva, particularly that provided by a generous contribution of a Member State;

4. Approves the recommendations of the Task Force contained in chapter IV of the study and concurs with its analysis of the impact of the proposed system on the work of the treaty-monitoring bodies in relation to reporting as described in chapter V of the study;

5. Recommends to States Members of the United Nations, in particular those States which are parties to United Nations human rights instruments, to make generous contributions to cover the estimated initial, one-time only, cost of the proposed system (see E/CN.4/1990/39, para. 63), and to enable the Secretary-General to implement the recommendations of the Task Force;

6. Draws the attention of the Economic and Social Council and through it the attention of the General Assembly to the study undertaken by the Task Force on Computerization, in particular to chapters IV and V of the study;

7. Strongly recommends that the Economic and Social Council and the General Assembly approve the annual recurrent cost of the system (see E/CN.4/1990/39, para. 63), and authorize the inclusion of the annual recurrent cost in the programme budget for the 1992-1993 biennium budget when the proposed system is expected to become operational;

8. Stresses that the proposed system should be introduced in a way that is compatible with longer-term plans for computerization of the United Nations Office at Geneva and as the first step in computerization of the entire human rights programme;

9. Requests the Secretary-General to report to the Commission on Human Rights at its forty-seventh session on the progress made in the implementation of the present resolution;

10. Decides to consider the report of the Secretary-General at its forty-seventh session under the agenda item entitled "Effective functioning of bodies established pursuant to United Nations human rights instruments".

38th meeting
23 February 1990

[Adopted without a vote. See chap. XVIII.]

1990/22. The adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the colonial and racist régime in southern Africa

The Commission on Human Rights,

Recalling General Assembly resolutions 3382 (XXX) and 3383 (XXX) of 10 November 1975, 31/33 of 30 November 1976, 33/23 of 29 November 1978, 35/32 of 14 November 1980, 36/172 A to P of 17 December 1981, 37/39 of 3 December 1982, 39/15 of 23 November 1984, 41/95 of 4 December 1986, and 43/92 of 8 December 1988,

Recalling also General Assembly resolutions 3201 (S-VI) and 3202 (S-VI) of 1 May 1974, containing the Declaration and the Programme of Action on the Establishment of a New International Economic Order, and 3281 (XXIX) of 12 December 1974, containing the Charter of Economic Rights and Duties of States,

Recalling further General Assembly resolution 3171 (XXVIII) of 17 December 1973, relating to permanent sovereignty over natural resources of both developing countries and territories under colonial and foreign domination or subjected to the apartheid régime, and resolution 3362 (S-VII) of 16 September 1975,

Bearing in mind its resolutions 7 (XXXIII) of 4 March 1977, 6 (XXXIV) of 22 February 1978, 9 (XXXV) of 5 March 1979, 11 (XXXVI) of 26 February 1980, 8 (XXXVII) of 23 February 1981, 1982/12 of 25 February 1982, 1983/11 of 18 February 1983, 1984/6 of 28 February 1984, 1985/9 of 26 February 1985, 1986/5 of 28 February 1986, 1987/9 of 26 February 1987, 1988/13 of 29 February 1988 and 1989/7 of 23 February 1989,

Taking into account, in particular, the relevant decisions adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its twenty-third ordinary session, held at Addis Ababa from 27 to 29 July 1987 (A/42/699, annex II) by the Council of Ministers of that organization at its forty-sixth ordinary session, held at Addis Ababa from 20 to 25 July 1987 (A/42/699, annex I), by the Assembly of Heads of State and Government at its twenty-fourth ordinary session, held at Addis Ababa from 25 to 28 May 1988 (A/43/398, annex II), and by the Council of Ministers at its fiftieth ordinary session, held at Addis Ababa, from 17 to 22 July 1989,

Taking into account all the relevant resolutions of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on this matter,

Taking note of the updated report prepared by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa (E/CN.4/Sub.2/1989/9 and Add.1),

Reiterating its appreciation of the opinions, restated by the Group of Three established under article IX of the International Convention on the Suppression and Punishment of the Crime of Apartheid, that the actions of transnational corporations which operate in South Africa come under the definition of the crime of apartheid and that article III of that Convention could apply to the actions of such transnational corporations (E/CN.4/1990/35, para. 35),

Reaffirming that any form of assistance given to the racist régime of South Africa constitutes a hostile act against the oppressed people of South Africa in their struggle for freedom and independence and obstructs efforts aimed at the elimination of colonialism, apartheid and racial discrimination in South Africa,

Reaffirming that the utmost priority must be accorded to ensuring the full implementation of international instruments as well as the resolutions of

the United Nations for the eradication of racism and apartheid, and the liberation of the people of South Africa from the racist and colonial régime,

Noting with profound concern that the major Western and other trading partners of South Africa continue to collaborate with the racist régime, disregarding United Nations decisions relating to the total isolation of South Africa, and that their collaboration constitutes an obstacle to the liquidation of that racist régime and the elimination of the inhuman and criminal system of apartheid,

Concerned that the persistence of certain banking and international financial institutions in rescheduling Pretoria's international debt and the granting of new loans are hostile acts against the oppressed in South Africa and pose a major challenge to the governments and peoples of the world committed to the speedy eradication of racist minority rule in that country,

Alarmed at the continued collaboration of Western States and Israel with the racist régime of South Africa in the nuclear field,

Regretting that the Security Council has not been in a position to take binding decisions to prevent any collaboration in the nuclear field with South Africa,

Conscious of the continuing need to mobilize world public opinion against the political, military, strategic, economic and other forms of assistance given to the racist régime of South Africa,

Welcoming the establishment of the Action for Resisting Invasion, Colonialism and Apartheid Fund (AFRICA Fund) by the Eighth Conference of Heads of State or Government of Non-Aligned Countries, held at Harare from 1 to 6 September 1986, and the launching of the Fund following the AFRICA Fund summit meeting, held at New Delhi on 24 and 25 January 1987,

1. Reaffirms the inalienable right of the oppressed people of South Africa to self-determination, independence and enjoyment of the natural resources of their territories;

2. Again reaffirms the right of the people of South Africa to dispose of those resources for their greater well-being and to obtain just reparation for the exploitation, depletion, loss or depreciation of those natural resources, including reparation for the exploitation and abuse of their human resources;

3. Vigorously condemns the assistance rendered by the major Western States and Israel to South Africa in the political, economic, financial and particularly the military field, expresses its conviction that

this assistance constitutes a hostile action against the people of South Africa and the neighbouring States, since it is bound to strengthen the military capability of the racist régime, and demands that such assistance be immediately terminated;

4. Condemns the continuing nuclear collaboration of Western States, Israel and other States with the racist régime of South Africa and urges those States to cease and desist forthwith from supplying South Africa with nuclear equipment and technology, which enable it to develop a nuclear weapon capability which threatens peace and international security and obstructs efforts to eliminate apartheid;

5. Notes with appreciation the important measures taken by the Nordic and some Western States, parliamentarians, institutions, trade unions and non-governmental organizations in order to exert pressure on the racist régime of South Africa, and calls upon them to redouble and intensify their efforts to force the racist régime to comply with resolutions and decisions of the United Nations on South Africa;

6. Takes note with satisfaction of the disinvestment, trade restrictions and other positive measures taken by some countries and transnational corporations, and urges them to continue in this direction;

7. Notes with dissatisfaction and concern that certain States are taking advantage of the disinvestment measures and trade restrictions imposed by some States in South Africa to increase their own trade relations with that régime;

8. Once again calls upon all Governments that have not yet done so to take legislative, administrative or other measures in respect of their nationals and the bodies corporate under their jurisdiction and control that own and operate enterprises in South Africa with a view to putting a stop to their trading, manufacturing and investing activities in South Africa;

9. Once again calls upon the same Governments to take measures to end all technological assistance or collaboration in the manufacture of arms and military supplies in South Africa and in particular to cease all collaboration with South Africa in the nuclear field;

10. Rejects all policies which encourage the racist régime of South Africa to intensify its repression of the people of South Africa and escalate its acts of aggression against the neighbouring States in defiance of the resolutions and decisions of the United Nations;

11. Welcomes the request of the General Assembly that the Security Council urgently consider complete and mandatory sanctions under Chapter VII of the Charter of the United Nations against the racist, colonial régime of South Africa, in particular:

(a) The prohibition of all technological assistance or collaboration in the manufacture of arms and military supplies in South Africa;

(b) The cessation of all collaboration with South Africa in the nuclear field;

(c) The prohibition of all loans to, and all investment in, South Africa and the cessation of any trade with South Africa;

(d) An embargo on the supply of petroleum, petroleum products and other strategic goods to South Africa;

12. Demands that South Africa cease forthwith its acts of aggression aimed at undermining the economies and destabilizing the political institutions of neighbouring States;

13. Appeals to all States, specialized agencies, regional, intergovernmental and non-governmental organizations to extend all possible co-operation to the liberation movements of southern Africa recognized by the United Nations and the Organization of African Unity;

14. Welcomes the establishment of the Action for Resisting Invasion, Colonialism and Apartheid Fund, and appeals to the international community to contribute to the Fund;

15. Urgently requests all specialized agencies, particularly the International Monetary Fund, to refrain from granting any type of loan or financial assistance to the racist régime of South Africa;

16. Calls upon States, specialized agencies and regional, intergovernmental and non-governmental organizations to continue and intensify their campaign to mobilize international public opinion for the enforcement of economic and other sanctions against the Pretoria régime;

17. Expresses its appreciation to the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities for his updated report on the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonial régime of South Africa and decides to renew his mandate for a further two years;

18. Reaffirms that the updating of the report is of the greatest importance to the cause of fighting apartheid and other violations of human rights in South Africa;

19. Invites the Special Rapporteur:

(a) To continue to update, subject to annual review, the list of banks, transnational corporations and other organizations assisting the racist and colonialist régime of South Africa, giving such details regarding enterprises listed as the Rapporteur may consider necessary and appropriate, including explanations of responses, if any, and to submit the updated report to the General Assembly at its forty-fifth session;

(b) To use all available material from other United Nations organs, Member States, national liberation movements recognized by the Organization of African Unity, specialized agencies and other intergovernmental and non-governmental organizations, as well as other relevant sources in order to indicate the volume, nature and adverse human consequences of the assistance given to the racist régime of South Africa;

(c) To intensify direct contacts with the United Nations Centre on Transnational Corporations, the Centre against Apartheid of the Secretariat and the United Nations Council for Namibia, with a view to consolidating mutual co-operation in updating the report;

20. Invites the Secretary-General to give the updated report the widest dissemination, to issue it as a United Nations publication and to make it available to learned societies, research centres, universities, political and humanitarian organizations and other interested groups;

21. Calls upon all Governments to co-operate with the Special Rapporteur in making the report even more accurate and informative;

22. Decides to consider the question at its forty-seventh session under the agenda item "The adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the colonial and racist régime in southern Africa".

42nd meeting
27 February 1990

[Adopted by a roll-call vote of 31 to 8, with 4 abstentions. See chap. VI.]

1990/23. Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa

The Commission on Human Rights,

Noting Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1989/18 of 31 August 1989,

Recalling General Assembly resolutions 39/15 of 23 November 1984, 41/95 of 4 December 1986 and 43/92 of 8 December 1988,

Recommends the following draft resolution to the Economic and Social Council for adoption:

The Economic and Social Council,

Recalling General Assembly resolutions 39/15 of 23 November 1984, 41/95 of 4 December 1986 and 43/92 of 8 December 1988,

1. Expresses its appreciation to the Special Rapporteur, Mr. Ahmed Khalifa, for his updated report (E/CN.4/Sub.2/1989/9 and Add.1);

2. Expresses also its thanks to all Governments and organizations which supplied the Special Rapporteur with information;

3. Welcomes with satisfaction resolution 1990/... of ... 1990 of the Commission on Human Rights, in which the Commission invites the Special Rapporteur:

(a) To continue to update, subject to annual review, the list of banks, transnational corporations and other organizations assisting the racist régime of South Africa, giving such details regarding enterprises listed as the Special Rapporteur may consider necessary and appropriate, including explanations of responses, if any, and to submit the updated report through the Sub-Commission to the Commission on Human Rights;

(b) To use all available material from other United Nations organs, Member States, specialized agencies and other relevant sources in order to indicate the volume, nature and adverse human consequences of the assistance given to the racist régime of South Africa;

(c) To intensify direct contacts with the United Nations Centre on Transnational Corporations and the Centre against Apartheid, with a view to consolidating mutual co-operation in updating his report;

4. Calls upon all Governments:

(a) To co-operate with the Special Rapporteur in making the report even more accurate and informative;

(b) To disseminate the updated report and give its contents the widest possible publicity;

5. Invites the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Commission on Human Rights, to consider the revised report at their forty-second and forty-seventh sessions respectively;

6. Requests the Secretary-General, in accordance with General Assembly resolution 43/92 of 8 December 1988 to make available to the Special Rapporteur two economists to help him develop his analysis and documentation on specific cases of special importance;

7. Requests the Secretary-General to give the Special Rapporteur all the assistance that he may require in the exercise of his mandate, with a view to intensifying direct contacts with the United Nations Centre on Transnational Corporations and the Centre against Apartheid and to consolidating mutual co-operation in updating his report;

8. Requests the Secretary-General to bring the updated report of the Special Rapporteur to the attention of Governments whose national financial institutions continue to deal with the régime of South Africa, and to call upon them to provide the Special Rapporteur with any information or comments they may wish to present on the matter;

9. Invites the Secretary-General to continue to give the updated report of the Special Rapporteur the widest distribution and publicity as a United Nations publication.

42nd meeting
27 February 1990

[Adopted by a roll-call vote of 32 to 8, with 3 abstentions. See chap. VI.]

1990/24. Effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and in particular, on the implementation of the Declaration on the Right to Development

The Commission on Human Rights,

Recalling that the purpose of the Universal Declaration of Human Rights is the full promotion and protection of human rights and fundamental freedoms, namely,, civil, political, economic, social and cultural rights,

Bearing in mind resolutions 1989/20 and 1989/21 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, dated 31 August 1989,

Reaffirming the provisions of the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Declaration on Social Progress and Development as well as the Declaration on the Right to Development adopted by the General Assembly in its resolution 41/128 of 4 December 1986,

Welcoming the general comments adopted by the Committee on Economic, Social and Cultural Rights on article 22 of the relevant Covenant,

Welcoming also the preliminary report on the implementation of economic, social and cultural rights, prepared by Mr. Danilo Türk, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Noting with interest the African Alternative Framework to Structural Adjustment Programmes for Socio-economic Recovery and Transformation adopted by the General Assembly in its resolution 44/24 of 17 November 1989,

Recognizing that the activities of the various organizations in the United Nations system should be closely interrelated, and that it is necessary to draw on all the efforts made in the various disciplines relating to man in order to promote all his rights effectively,

Noting with appreciation the conclusions of the study entitled "Adjustment with a Human Face" and the reports entitled "The State of the World's Children 1989" and "The State of the World's Children 1990" of the United Nations Children's Fund,

Noting with interest the conclusions of the World Bank contained in volume 1, "World Debt Tables 1989-1990", December 1989, relating to the external debt of developing countries,

Aware that the serious problem of foreign debt remains one of the most acute factors adversely affecting economic and social development and living standards in many developing countries,

Observing the beginning of new orientations in economic adjustment programmes which take into account economic growth and problems affecting the welfare of the population, and the positive response on the part of international financial agencies,

Considering that the new strategies for solving the debt problem require policies of economic adjustment accompanied by growth and that it is necessary, within those policies, to monitor social conditions, including standards of living, health, nutrition and employment of the population, especially among low-income groups,

Also recalling its resolution 1989/15 of 2 March 1989,

1. Expresses appreciation of the preliminary report entitled "Realization of economic, social and cultural rights" prepared by Mr. Danilo Türk, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

2. Invites the Sub-Commission on Prevention of Discrimination and Protection of Minorities to submit the second report of its Special Rapporteur on the implementation of economic, social and cultural rights to the Commission on Human Rights at its forty-seventh session;

3. Invites Governments which so desire to provide the Special Rapporteur with their comments and the information at their disposal about their experience concerning the impact of economic adjustment policies arising from foreign debt on the enjoyment of economic, social and cultural rights;

4. Requests the Special Rapporteur of the Sub-Commission to take into account, in his second report, the comments and views of Governments on the subject;

5. Decides to continue to consider, at its forty-seventh session, the agenda item entitled "Problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration of the Right to Development".

42nd meeting
27 February 1990

[Adopted by 36 to 2, with 5 abstentions. See chap. VII]

1990/25. Effective functioning of bodies established pursuant to United Nations human rights instruments

The Commission on Human Rights,

Recalling General Assembly resolution 44/135 of 15 December 1989, Economic and Social Council resolution 1989/142 of 24 May 1989 and Commission on Human Rights resolutions 1989/46 and 1989/47 of 6 March 1989, as well as other relevant resolutions,

Reaffirming that the effective implementation of United Nations human rights instruments is of major importance to the efforts of the Organization, pursuant to the Charter of the United Nations and the Universal Declaration of Human Rights, to promote universal respect for and observance of human rights and fundamental freedoms,

Considering that the effective functioning of treaty bodies established pursuant to United Nations human rights instruments is indispensable for the full and effective implementation of such instruments,

Expressing concern about the continuing and increasing backlog of reports on implementation by States parties to United Nations instruments on human rights and about delays in consideration of reports by the treaty bodies,

Expressing further concern about the non-fulfilment by many States parties of their financial obligations under the relevant United Nations instruments on human rights,

Aware that the General Assembly, in its resolution 44/135 of 15 December 1989, reaffirmed its responsibility to ensure the proper functioning of the aforesaid treaty bodies and, in this connection, reaffirmed the importance of:

(a) Ensuring the effective functioning of systems of periodic reporting by States parties to these instruments;

(b) Addressing the question of securing sufficient financial resources, which is increasingly hampering the proper functioning of human rights treaty bodies, as noted with concern in reports of five such bodies, and of providing sufficient resources to ensure the effective functioning of the respective treaty bodies;

(c) Addressing problems of both reporting obligations and financial implications when considering the possibility of establishing any additional human rights instruments,

Recalling the conclusions and recommendations of the meeting of persons chairing the human rights treaty bodies (E/CN.4/1989/62, annex) and the endorsement of the recommendations aimed at streamlining, rationalizing and otherwise improving reporting procedures by the General Assembly in its resolution 44/135 and the Commission on Human Rights in its resolution 1989/47,

Taking note with appreciation of the study on possible long-term approaches to the supervision of existing and new instruments on human rights prepared by the independent expert pursuant to Commission on Human Rights resolution 1989/47 (A/44/66),

1. Endorses the continuing efforts aimed at streamlining, rationalizing and otherwise improving reporting procedures by the treaty bodies and the Secretary-General within their respective spheres of competence;

2. Welcomes the conclusions and recommendations with regard to the better functioning of the treaty bodies in the study on possible long-term approaches;

3. Invites the treaty bodies to review the study on possible long-term approaches, to consider which conclusions and recommendations are of relevance to the respective spheres of competence and to send their comments to the Secretary-General;

4. Requests the Secretary-General to report on the comments of the treaty bodies to the Commission on Human Rights at its forty-seventh session;

5. Urges States parties to make every effort to meet their reporting obligations and to contribute, individually and through meetings of States parties, to identifying and implementing ways of further streamlining and improving reporting procedures;

6. Also urges all States parties to meet without delay all their financial obligations pursuant to United Nations human rights instruments;

7. Invites meetings of States parties to consider ways and means of strengthening the collection of contributions and of making procedures more effective and, if necessary, to reconsider the position of States parties that are substantially in default on their assessed contributions;

8. Notes that the General Assembly, in so far as any of the treaty bodies may be experiencing financial difficulties, could consider alleviating these difficulties, inter alia, by the temporary allocation of necessary funds by way of advances out of the United Nations regular budget which will be reimbursed from the contributions received within the same budget year, a procedure to be repeated until such time as a permanent solution to such difficulties can be implemented;

9. Emphasizes that any temporary financial assistance from the United Nations regular budget should be provided without prejudice to the duty of States parties to United Nations human rights instruments to meet all their financial obligations pursuant to such instruments;

10. Recommends that the Secretary-General seek to obtain, at the earliest opportunity, the concurrence of States parties to the Convention on the Elimination of Racial Discrimination to the establishment of a "contingency reserve fund" made up of that portion of State party payments, received prior to 31 December of each year, which are over-assessments for the Committee on the Elimination of Racial Discrimination for the elapsed year

(normally credited against the contribution of State parties), provided that the Agreement of a State party must first be obtained before its own over-assessment is paid into this fund, with the fund to be used to finance, on a contingency basis, up to two meetings of the Committee on the Elimination of Racial Discrimination in a following year, for which State payments have not been received in that calendar year, with the contingency fund to be reimbursed in full once payments by these States are received;

11. Reiterates its conviction that in standard-setting every effort should be made to maximize normative consistency and that any new standards should take full account of the factors enumerated in General Assembly resolution 41/120 of 4 December 1986;

12. Requests the Secretary-General to convene the forthcoming meeting of chairpersons of human rights treaty-monitoring bodies sufficiently in advance of the forty-fifth session of the General Assembly to enable consideration of the conclusions and recommendations of the meeting at that session;

13. Invites the chairpersons meeting to discuss the range of problems affecting the effective implementation of human rights treaties;

14. Requests the Secretary-General to prepare an inventory of all international human rights standard-setting activities in order to facilitate better informed decision-making;

15. Further requests the Secretary-General to submit a report on the situation and developments regarding the logistical and human resources support for the increasing activities in the field of human rights of the Centre for Human Rights, in particular on the servicing needs of the human rights treaty bodies, the provisions for servicing included in the United Nations budget and the implementation of these provisions, to the Economic and Social Council at its first regular session of 1990;

16. Decides to consider the question on a priority basis at its forty-seventh session under the agenda item entitled "Effective functioning of bodies established pursuant to United Nations human rights instruments".

42nd meeting
27 February 1990

[Adopted without a vote. See chap. XVIII.]

1990/26. Situation of human rights in South Africa

The Commission on Human Rights,

Recalling its resolutions 1986/4 of 28 February 1986, 1987/14 of 3 March 1987, 1988/9 of 29 February 1988 and 1989/5 of 23 February 1989,

Recalling General Assembly resolutions 39/15 of 23 November 1984 and 40/64 A to I of 10 December 1985 as well as Economic and Social Council resolution 1984/42 of 24 May 1984,

Recalling General Assembly resolution 33/165 of 20 December 1978, in which the Assembly recognized the right of all persons to refuse service in military or police forces used to enforce apartheid,

Having examined the interim report of the Ad Hoc Working Group of Experts on southern Africa (E/CN.4/1990/7),

Recognizing the value of the reports of the Ad Hoc Working Group of Experts in the efforts of the United Nations to expose and combat apartheid and gross violations of human rights in South Africa,

Recalling the concerns repeatedly expressed about abductions and assassinations carried out by the South African régime against political refugees and members of the liberation movements,

Having examined Mr. F.W. de Klerk's statement of 2 February 1990 in which, inter alia, he rescinded the ban on the African National Congress of South Africa, the Pan-Africanist Congress of Azania and other political organizations,

Noting that the gross and cruel violations of human rights under apartheid continue to take place in South Africa,

Outraged by South Africa's acts of violence, in the townships, the continued intransigence in revoking the abominable apartheid laws and in refusing to reinstate the human rights of political prisoners by freeing them unconditionally,

Deeply concerned about racist South Africa's undeclared war of destabilization and aggression, whether through direct aggression, sponsorship of surrogates, economic subversion or other means, against the neighbouring independent States, which is unacceptable in all its forms and must stop,

Reiterating its conviction that the apartheid system in South Africa is the root cause of conflict in the sub-continent and that this atrocious policy constitutes a threat to international peace and security,

Noting that the South African people's legitimate struggle, by all means, in accordance with the Charter of the United Nations and relevant United Nations resolutions, for a united, non-racial, democratic society should enjoy the full support of the international community,

Convinced that the maintenance of existing pressures, including sanctions against South Africa, constitutes a peaceful means that can help to avert the outbreak of racial conflagration in the region,

Satisfied with the success scored by the oppressed people of South Africa in their united mass action to make the apartheid system unworkable,

Appreciating the world-wide momentum against apartheid and the consensus in favour of international pressures, including sanctions against racist South Africa,

Appreciating the perseverance and steadfastness of the front-line States and their continuing supporting role to the liberation movements,

Noting the recent announcement by the South African régime to rescind the ban on the African National Congress of South Africa, the Pan-Africanist Congress of Azania and other political organizations,

Taking note with satisfaction of the Declaration on Apartheid and its Destructive Consequences in South Africa (resolution S-16/1) adopted on 14 December 1989 by the General Assembly at its sixteenth Special Session.

1. Congratulates the Ad Hoc Working Group of Experts on the commendable and impartial manner in which it has prepared its interim report;

2. Expresses its profound indignation at the fact that apartheid remains institutionalized;

3. Denounces again the policy of "bantustanization", the forced removals of the black population, the policy of so-called "voluntary" removals and the policy of denationalization;

4. Reiterates the conviction that apartheid cannot be reformed but should be abolished in all its forms, and hence reaffirms its rejection of the so-called constitutional initiative, including the statutory advisory council, which falls short of accepting the "one man, one vote" principle in a united, non-racial and democratic South Africa;

5. Demands that South Africa immediately and completely abolish the unjust and inhuman system of apartheid in all its forms;

6. Demands the complete removal of the state of emergency and an end to human rights violations which have been rampant since the state of emergency was imposed in 1986;

7. Welcomes the release of Nelson Mandela, demands the immediate and unconditional release of all political prisoners as well as detainees, and calls on the South African régime to refrain from imposing any restrictions on them;

8. Calls on South Africa to permit a free and fair political climate and to desist from harassment and intimidation of organizations and individuals engaged in the legitimate struggle against apartheid policies;

9. Demands a complete elimination of the apartheid judicial and penal system, the removal of troops from the townships and the dismantling of bantustans;

10. Further demands the unconditional return of political refugees and members of the liberation movements based outside South Africa and their unimpeded participation in political activities;

11. Strongly condemns South Africa for its indiscriminate use of force against unarmed demonstrators and its widespread use of torture and other forms of inhuman and degrading treatment against political opponents;

12. Calls on South Africa to respect international standards on trade union rights in respect of black trade unions and particularly to desist from harassing, intimidating, arresting and maltreating black trade union leaders;

13. Commends all movements and mass organizations of South Africa for their resistance and united action to make the apartheid system unworkable;

14. Demands that South Africa take immediate steps to rescind restrictions on all educational organizations and to ensure that all South Africans are afforded the opportunity of access to a unified educational system designed to be consistent with the development of a profound appreciation of the brotherhood of mankind, liberty and peace;

15. Condemns South Africa for its military pressures and other acts of aggression towards the front-line States and for its support, encouragement and provision of material resources to armed bands and mercenaries who seek to destabilize front-line and neighbouring States;

16. Commends the front-line and other neighbouring States for their unending sacrifice to the cause of freedom and human dignity in South Africa and calls upon the international community to increase its financial, material, political and moral support to the national liberation movements of South Africa and also the front-line States to enhance their capability to exert more pressure on the South African régime to ensure the immediate end of apartheid;

17. Calls upon the international community to render all possible assistance to the front-line States to enable them to rebuild their economies which have been adversely affected by South Africa's acts of aggression and destabilization, to withstand any further acts of aggression and destabilization and to encourage and support peace initiatives in the region;

18. Urges all States to continue to do everything in their power to increase support for the legitimate struggle of the South African people for freedom and equality;

19. Calls upon the Security Council to impose mandatory sanctions against the South African régime, in discharge of its responsibility under Chapter VII of the Charter of the United Nations in order to sustain the momentum for peaceful change to end apartheid in South Africa;

20. Takes note of the statement by Mr. F.W. de Klerk on 2 February 1990 and considers the release of Nelson Mandela, and the partial lifting of the ban on the national liberation movements and some mass democratic organizations as constituting a significant step towards the elimination of apartheid and the establishment of a non-racial and democratic society in South Africa;

21. Urges the international community not to relax existing measures aimed at compelling the South African régime to eradicate apartheid until there is clear evidence of profound and irreversible change and commends the following measures, which have been adopted by certain countries and are commended to the wider international community, for urgent adoption and implementation:

(a) Mandatory arms-embargo;

(b) Prohibition of the transfer of technology to South Africa;

(c) Cessation of the export, sale or transport of oil and oil products to South Africa and of any co-operation with South Africa's oil industry;

(d) Cessation of further investments in, and financial loans to, South Africa and of any governmental insurance guarantee of credits to the racist régime;

(e) Cessation of all promotion of or support for trade with South Africa, including governmental assistance to trade missions;

(f) Prohibition of the sale of krugerrands and any other coins minted in South Africa;

(g) Prohibition of imports from South Africa of agricultural products, coal, uranium, iron and steel;

(h) Termination of any visa-free entry privileges and of the promotion of tourism to South Africa;

(i) Termination of air and shipping links with South Africa;

(j) Cessation of all academic, cultural, scientific and sports relations with South Africa and of relations with individuals, institutions and other bodies endorsing or based on apartheid;

(k) Suspension or abrogation of agreements with South Africa, such as agreements on cultural and scientific co-operation;

(l) Termination of double taxation agreements with South Africa;

(m) Ban on government contracts with majority-owned South African companies;

22. Strongly recommends to the General Assembly through the Economic and Social Council, in order to sensitize fully international public opinion, particularly that of youth, to the realities of apartheid, that a year be declared "Academic Year against Apartheid" and that the subject "The evils of apartheid" be taught in educational institutions throughout the world;

23. Recalls the adoption by the General Assembly in its resolution 40/64 of 10 December 1985 of the International Convention against Apartheid in Sports;

24. Endorses the recommendations of the Ad hoc Working Group of Experts on Southern Africa contained in its interim report (E/CN.4/1990/7);

25. Decides that the Ad Hoc Working Group of Experts should continue to investigate and study the policies and practices which violate human rights in South Africa as well as infringements of trade union rights in South Africa, in accordance with Economic and Social Council resolution 1987/63 of 29 May 1987;

26. Requests the Ad Hoc Working Group of Experts, in co-operation with the Special Committee against Apartheid and other investigatory and monitoring bodies, to continue to investigate cases of torture and ill-treatment of detainees and deaths of detainees in South Africa;

27. Renews its request to the régime of South Africa to allow the Ad Hoc Working Group of Experts to make on-the-spot investigations of the living conditions in prisons in South Africa and the treatment of prisoners in such a manner that:

(a) The Ad Hoc Working Group of Experts would be guaranteed free, confidential access to any prisoner, detainee, ex-prisoner, ex-detainee or any other persons;

(b) The South African régime would provide a firm undertaking that any person providing evidence for such an investigation would be granted immunity from any State action arising from participation in the investigation;

28. Requests the Ad Hoc Working Group of Experts to continue to bring to the attention of the Chairperson of the Commission on Human Rights, for whatever action she may deem appropriate, particularly serious violations of human rights in South Africa, which may come to its attention during its studies;

29. Authorizes the Chairman of the Ad Hoc Working Group of Experts, within existing resources, to participate in conferences, symposia, seminars or other events connected with action against apartheid organized under the auspices of the Special Committee against Apartheid;

30. Requests the Ad Hoc Working Group of Experts to submit its final report to the Commission on Human Rights at its forty-seventh session and to the General Assembly at its forty-sixth session;

31. Invites the Chairperson of the Commission on Human Rights to do her utmost to play a more active role in supporting initiatives for promoting a negotiated solution to the South African problem;

32. Reiterates its earlier invitation to the Special Committee against Apartheid to strengthen co-operation with the Ad Hoc Working Group of Experts, in particular to transmit regularly all information that may assist the Group in carrying out its mandate;

33. Requests the Secretary-General to provide every assistance within available resources to enable the Ad Hoc Working Group of Experts to discharge its responsibilities in accordance with the relevant provisions of the present resolution;

34. Requests the Economic and Social Council to transmit the present resolution to the General Assembly, the Security Council and the Special Committee against Apartheid.

42nd meeting
27 February 1990

[Adopted by a roll-call vote of 35 to 2, with 6 abstentions. See chap. V.]

B. Decisions

1990/103. Measures to combat racisim and racial discrimination and the role of the Sub-Commission on Prevention of Discrimination and the Protection of Minorities

At its 38th meeting, on 23 February 1990, the Commission, noting the Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1989/19 of 31 August 1989, decided by 39 votes to 1, with 2 abstentions, to recommend to the Economic and Social Council that the final report of the Special Rapporteur, Mr. Asbjørn Eide (E/CN.4/Sub.2/1989/8 and Add.1), be published and distributed on as wide a scale as possible.

[See chap. XI.]